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## RELATION OF THE INDIANA REGISTER TO THE INDIANA ADMINISTRATIVE CODE

The Indiana Register is an official monthly publication of the state of Indiana. The Indiana Legislative Council publishes the full text of proposed rules, final rules, and other documents, such as executive orders and attorney general's opinions, in the Indiana Register in the order in which the Indiana Legislative Council receives the documents.

The Indiana Administrative Code is an official annual publication of the state of Indiana. It codifies the current general and permanent rules of state agencies in subject matter order.

The Indiana Register acts as a source of information about the rules being proposed by state agencies and acts as an "advance sheet" to the Indiana Administrative Code. With few exceptions, an agency may not adopt a rule, i.e., a policy statement having the force of law, without publishing a substantially similar proposed version in the Indiana Register. Although a rule becomes effective without publication in the Indiana Register, an agency must file an adopted and approved rule with the Indiana Legislative Council. The Council publishes these final rules in the Indiana Register.

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## RETENTION SCHEDULE

A person must consult the following publications to find the current rules of state agencies:

- (1) 2005 Indiana Administrative Code (CD-ROM version).
- (2) Volume 28 of the Indiana Register (CD-ROM version).

The Indiana Administrative Code and Indiana Register are distributed in CD-ROM format only. Both are also accessible at [www.in.gov/legislative/ic\\_iac/](http://www.in.gov/legislative/ic_iac/).

The 2004 Edition of the Indiana Administrative Code and other volumes of the Indiana Register may be discarded. (Please consider recycling.)

**JUDICIAL NOTICE AND CITATION FORM**

IC 4-22-9 provides for the judicial notice of rules published in the Indiana Register or the Indiana Administrative Code. Subject to any errata notice that may affect a rule, the latest published version of a final rule is prima facie evidence of that rule's validity and content.

Cite to a current general and permanent rule by Indiana Administrative Code citation, regardless of whether it has been published in a supplement to the Indiana Administrative Code. For example, cite the entire current contents of title 312 as "Title 312 of the Indiana Administrative Code," cite the entire current contents of the third article in title 312 as "312 IAC 3," cite the entire current contents of the fourth rule in article three as "312 IAC 3-4," and cite part or all of the current contents of the second section in rule four as "312 IAC 3-4-2." IC 4-22-9-6 provides that a citation in this form contains later adopted amendments. Cite a noncodified rule provision by LSA document number, SECTION number, and Indiana Register citation to the page at which the cited text begins. If a reference to a particular version of a rule or a page in the Indiana Register is appropriate, cite the volume, page, and year of publication as "25 Ind. Reg. 120 (2002)." A shorter Indiana Register citation form is "25 IR 120."

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**PRINTING CODE**

**This style type** is used to indicate that substantive text is being inserted by amendment into a rule, and ~~this style type~~ is used to indicate that substantive text is being eliminated by amendment from a rule. ~~This style type~~ is replaced by a single large "X" to show the elimination of a form or other piece of artwork. **This style type** is used to indicate a rule is being added. *This style type* and **this style type** also are used to highlight nonsubstantive annotations to a rule and to indicate that an entry in a reference table or the index concerns a final rule.

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**REFERENCE TABLES AND INDEX**

The page location of rules and other documents printed in the Indiana Register may be found by using the tables and index published in the Indiana Register. A citation listing of the general and permanent rules affected in a volume and a cumulative index are published in each issue. Cumulative tables that cite executive orders, attorney general's opinions, and other nonrule policy documents printed in a calendar year are published quarterly.

**FILING AND PUBLISHING SCHEDULE**

NOTICE AND PUBLICATION SCHEDULE. The Legislative Services Agency publishes documents filed by 4:45 p.m. on the tenth day of a month (no later than the twelfth day of a month, excluding holidays or weekends) in the following month's Indiana Register according to the schedule below:

**PUBLICATION SCHEDULE**

<b>Closing Dates:</b>	<b>Publication Dates:</b>	<b>Closing Dates:</b>	<b>Publication Dates:</b>
November 10, 2004	December 1, 2004	June 10, 2005	July 1, 2005
December 10, 2004	January 1, 2005	July 11, 2005	August 1, 2005
January 10, 2005	February 1, 2005	August 10, 2005	September 1, 2005
February 10, 2005	March 1, 2005	September 9, 2005	October 1, 2005
March 10, 2005	April 1, 2005	October 10, 2005	November 1, 2005
April 11, 2005	May 1, 2005	November 10, 2005	December 1, 2005
May 10, 2005	June 1, 2005	December 9, 2005	January 1, 2005

Documents will be accepted for filing on any business day from 8:00 a.m. to 4:45 p.m.

**AROC NOTICES:** Under IC 2-5-18-4, the Administrative Rules Oversight Committee is established to oversee the rules of any agency not listed in IC 4-21.5-2-4. As a result, certain notices to the AROC are required and are printed in the Indiana Register.

**CORRECTIONS:** IC 4-22-2-38 authorizes an agency to correct typographical, clerical, or spelling errors in a final rule without initiating a new rulemaking procedure. Correction notices are printed on errata pages in the Indiana Register.

**EFFECTIVE DATE:** IC 4-22-2-36 provides that, unless a later date is specified in the rule, a rule becomes effective thirty (30) days after filing with the Secretary of State.

**EMERGENCY RULES:** IC 4-22-2-37.1 provides summary rulemaking procedures for certain specified categories of rules.

**INCORPORATION BY REFERENCE:** IC 4-22-2-21 requires that a copy of matters that are incorporated by reference into a rule must be filed with the Attorney General, the Governor, and the Secretary of State along with the text of the incorporating final rule.

**NONRULE POLICY DOCUMENTS:** IC 4-22-7-7 requires that any nonrule document that interprets, supplements, or implements a statute and that the issuing agency may use in conducting its external affairs must be filed with the Legislative Services Agency and published in the Indiana Register.

**NOTICE OF INTENT TO ADOPT A RULE:** IC 4-22-2-23 requires an agency to publish a Notice of Intent to Adopt a Rule at least thirty (30) days before publication of the proposed rule.

**PROMULGATION PERIOD:** In order to be effective, the final version of an adopted rule must be approved by the Attorney General and the Governor within one (1) year after the date that the notice of intent is published. The final rule must then be filed with the Secretary of State.

**PUBLIC HEARINGS:** IC 4-22-2-24 requires that the public hearing on a proposed rule be scheduled at least twenty-one (21) days after a notice of the hearing is published in the Indiana Register and in a newspaper of general circulation in Marion County.

**RULES READOPTION:** IC 4-22-2.5 provides that a rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date.

# State Agencies

AGENCY	TITLE NUMBER	ALPHABETICAL LIST AGENCY	TITLE NUMBER
Accountancy, Indiana Board of	872	†Industrial Board of Indiana	630
Accounts, State Board of	20	Information Technology Oversight Commission, State	28
Adjutant General	270	Insurance, Department of	760
Administration, Indiana Department of	25	Labor, Department of	610
†Administrative Building Council of Indiana	660	Land Surveyors, State Board of Registration for	865
†Aeronautics Commission of Indiana	110	Law Enforcement Training Board	250
†Aging and Community Services, Department on	450	Library and Historical Board, Indiana	590
Agricultural Development Corporation, Indiana	770	Library Certification Board	595
Agricultural Experiment Station	350	Local Government Finance, Department of	50
†Agriculture, Commissioner of	340	Lottery Commission, State	65
Agriculture, Commissioner of	375	Manufactured Home Installer Licensing Board	879
†Air Pollution Control Board	325.1	Medical and Nursing Distribution Loan Fund Board of Trustees, Indiana	580
Air Pollution Control Board	326	Medical Licensing Board of Indiana	844
†Air Pollution Control Board of the State of Indiana	325	Mental Health and Addiction, Division of	440
Alcohol and Tobacco Commission	905	Meridian Street Preservation Commission	925
Amusement Device Safety Board, Regulated	685	Motor Vehicles, Bureau of	140
Animal Health, Indiana State Board of	345	†Natural Resources, Department of	310
Architects and Landscape Architects, Board of Registration for	804	Natural Resources Commission	312
Athletic Trainers Board, Indiana	898	Nursing, Indiana State Board of	848
Attorney General for the State, Office of	10	Occupational Safety Standards Commission	620
Auctioneer Commission, Indiana	812	Optometric Legend Drug Prescription Advisory Committee, Indiana	857
Barber Examiners, Board of	816	Optometry Board, Indiana	852
Boiler and Pressure Vessel Rules Board	680	Parole Board	220
Boxing Commission, State	808	†Personnel Board, State	30
Budget Agency	85	Personnel Department, State	31
Chemist of the State of Indiana, State	355	Pesticide Review Board, Indiana	357
Children's Health Insurance Program, Office of the	407	Pharmacy, Indiana Board of	856
Chiropractic Examiners, Board of	846	Plumbing Commission, Indiana	860
Civil Rights Commission	910	Podiatric Medicine, Board of	845
†Clemency Commission, Indiana	230	Police Department, State	240
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Community Residential Facilities Council	431	Port Commission, Indiana	130
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Controlled Substances Advisory Committee	858	Professional Standards Board	515
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Deaf Board, Indiana School for the	514	Public Safety Training Institute	280
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Dietitians Certification Board, Indiana	830	Revenue, Department of State	45
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†Employment and Training Services, Department of	645	†Stream Pollution Control Board of the State of Indiana	330
Engineers, State Board of Registration for Professional	864	Student Assistance Commission, State	585
Enterprise Zone Board	58	Tax Review, Indiana Board of	52
Environmental Adjudication, Office of	315	†Teacher Training and Licensing, Commission on	530
Environmental Health Specialists, Board of	896	Teachers' Retirement Fund, Board of Trustees of the Indiana State	550
†Environmental Management Board, Indiana	320	Television and Radio Service Examiners, Board of	884
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Fair Commission, State	80	Toxicology, State Department of	260
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Grain Buyers and Warehouse Licensing Agency, Indiana	824	Victim Services Division	203
Grain Indemnity Corporation, Indiana	825	Violent Crime Compensation Division	480
Hazardous Waste Facility Site Approval Authority, Indiana	323	†Vocational and Technical Education, Indiana Commission on	572
Health, Indiana State Department of	410	†Wage Adjustment Board	635
Health Facilities Council, Indiana	412	War Memorials Commission, Indiana	920
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†Highways, Department of	120	Water Pollution Control Board	327
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†Agency's rules are repealed, transferred, or otherwise voided.

# State Agencies

## NUMERICAL LIST

TITLE NUMBER	TITLE NUMBER
<b>GENERAL GOVERNMENT</b>	
10	Office of Attorney General for the State
11	Consumer Protection Division of the Office of the Attorney General
†15	State Election Board
18	Indiana Election Commission
20	State Board of Accounts
25	Indiana Department of Administration
28	State Information Technology Oversight Commission
†30	State Personnel Board
31	State Personnel Department
33	State Employees' Appeals Commission
35	Board of Trustees of the Public Employees' Retirement Fund
40	State Ethics Commission
45	Department of State Revenue
50	Department of Local Government Finance
52	Indiana Board of Tax Review
55	Department of Commerce
58	Enterprise Zone Board
60	Oversight Committee on Public Records
62	Office of the Public Access Counselor
65	State Lottery Commission
68	Indiana Gaming Commission
†70	Indiana Horse Racing Commission
71	Indiana Horse Racing Commission
75	Secretary of State
80	State Fair Commission
85	Budget Agency
<b>TRANSPORTATION AND PUBLIC UTILITIES</b>	
†100	Department of Transportation
105	Indiana Department of Transportation
†110	Aeronautics Commission of Indiana
†120	Department of Highways
130	Indiana Port Commission
135	Indiana Transportation Finance Authority
140	Bureau of Motor Vehicles
145	Reciprocity Commission of Indiana
†150	Office of Traffic Safety
†160	Department of Vehicle Inspection
170	Indiana Utility Regulatory Commission
<b>CORRECTIONS, POLICE, AND MILITARY</b>	
203	Victim Services Division
205	Indiana Criminal Justice Institute
207	Coroners Training Board
210	Department of Correction
220	Parole Board
†230	Indiana Clemency Commission
240	State Police Department
250	Law Enforcement Training Board
260	State Department of Toxicology
270	Adjutant General
280	Public Safety Training Institute
290	State Emergency Management Agency
<b>NATURAL RESOURCES, ENVIRONMENT, AND AGRICULTURE</b>	
305	Indiana Board of Licensure for Professional Geologists
307	Indiana Board of Registration for Soil Scientists
†310	Department of Natural Resources
†311	State Soil and Water Conservation Committee
312	Natural Resources Commission
315	Office of Environmental Adjudication
†320	Indiana Environmental Management Board
†330.1	Solid Waste Management Board
323	Indiana Hazardous Waste Facility Site Approval Authority
†325	Air Pollution Control Board of the State of Indiana
†325.1	Air Pollution Control Board
326	Air Pollution Control Board
327	Water Pollution Control Board
328	Underground Storage Tank Financial Assurance Board
329	Solid Waste Management Board
†330	Stream Pollution Control Board of the State of Indiana
†330.1	Water Pollution Control Board
†340	Commissioner of Agriculture
341	Indiana Standardbred Board of Regulations
345	Indiana State Board of Animal Health
350	Agricultural Experiment Station
355	State Chemist of the State of Indiana
357	Indiana Pesticide Review Board
360	State Seed Commissioner
365	Creamery Examining Board
370	State Egg Board
375	Commissioner of Agriculture
<b>HUMAN SERVICES</b>	
405	Office of the Secretary of Family and Social Services
407	Office of the Children's Health Insurance Program
410	Indiana State Department of Health
412	Indiana Health Facilities Council
414	Hospital Council
415	Commission on Forensic Sciences
430	Developmental Disabilities Residential Facilities Council
431	Community Residential Facilities Council
440	Division of Mental Health and Addiction
†450	Department on Aging and Community Services
460	Division of Disability, Aging, and Rehabilitative Services
470	Division of Family and Children
480	Violent Crime Compensation Division
490	Interdepartmental Board for the Coordination of Human Service Programs
<b>EDUCATION AND LIBRARIES</b>	
†510	Commission on General Education
511	Indiana State Board of Education
514	Indiana School for the Deaf Board
515	Professional Standards Board
†520	Commission on Textbook Adoptions
†530	Commission on Teacher Training and Licensing
540	Indiana Education Savings Authority
550	Board of Trustees of the Indiana State Teachers' Retirement Fund
560	Indiana Education Employment Relations Board
570	Indiana Commission on Proprietary Education
†572	Indiana Commission on Vocational and Technical Education
575	State School Bus Committee
580	Indiana Medical and Nursing Distribution Loan Fund Board of Trustees
585	State Student Assistance Commission
590	Indiana Library and Historical Board
595	Library Certification Board
<b>LABOR AND INDUSTRIAL SAFETY</b>	
610	Department of Labor
615	Board of Safety Review
620	Occupational Safety Standards Commission
†630	Industrial Board of Indiana
631	Worker's Compensation Board of Indiana
†635	Wage Adjustment Board
†640	Indiana Unemployment Insurance Board
†645	Department of Employment and Training Services
646	Department of Workforce Development
650	State Fire Marshal
655	Board of Firefighting Personnel Standards and Education
†660	Administrative Building Council of Indiana
†670	Elevator Safety Board
675	Fire Prevention and Building Safety Commission
680	Boiler and Pressure Vessel Rules Board
685	Regulated Amusement Device Safety Board
<b>BUSINESS, FINANCE, AND INSURANCE</b>	
710	Securities Division
750	Department of Financial Institutions
760	Department of Insurance
762	Indiana Political Subdivision Risk Management Commission
770	Indiana Agricultural Development Corporation
<b>OCCUPATIONS AND PROFESSIONS</b>	
804	Board of Registration for Architects and Landscape Architects
808	State Boxing Commission
812	Indiana Auctioneer Commission
816	Board of Barber Examiners
820	State Board of Cosmetology Examiners
824	Indiana Grain Buyers and Warehouse Licensing Agency
825	Indiana Grain Indemnity Corporation
828	State Board of Dentistry
830	Indiana Dietitians Certification Board
832	State Board of Funeral and Cemetery Service
836	Indiana Emergency Medical Services Commission
839	Social Worker, Marriage and Family Therapist, and Mental Health Counselor Board
840	Indiana State Board of Health Facility Administrators
844	Medical Licensing Board of Indiana
845	Board of Podiatric Medicine
846	Board of Chiropractic Examiners
848	Indiana State Board of Nursing
852	Indiana Optometry Board
856	Indiana Board of Pharmacy
857	Indiana Optometric Legend Drug Prescription Advisory Committee
858	Controlled Substances Advisory Committee
860	Indiana Plumbing Commission
862	Private Detectives Licensing Board
864	State Board of Registration for Professional Engineers
865	State Board of Registration for Land Surveyors
868	State Psychology Board
872	Indiana Board of Accountancy
876	Indiana Real Estate Commission
878	Home Inspectors Licensing Board
879	Manufactured Home Installer Licensing Board
880	Speech-Language Pathology and Audiology Board
884	Board of Television and Radio Service Examiners
888	Indiana Board of Veterinary Medical Examiners
†892	Indiana State Board of Examiners in Watch Repairing
896	Board of Environmental Health Specialists
898	Indiana Athletic Trainers Board
<b>MISCELLANEOUS</b>	
905	Alcohol and Tobacco Commission
910	Civil Rights Commission
915	Veterans' Affairs Commission
920	Indiana War Memorials Commission
925	Meridian Street Preservation Commission
930	Indiana Housing Finance Authority

†Agency's rules are repealed, transferred, or otherwise voided.

**TITLE 170 INDIANA UTILITY REGULATORY  
COMMISSION**

LSA Document #03-305(F)

**DIGEST**

Adds 170 IAC 4-4.2 concerning investor-owned electric utilities providing a net metering program to their residential customers and schools. Effective 30 days after filing with the secretary of state.

**170 IAC 4-4.2**

SECTION 1. 170 IAC 4-4.2 IS ADDED TO READ AS FOLLOWS:

**Rule 4.2. Net Metering**

**170 IAC 4-4.2-1 Definitions**

Authority: IC 8-1-1-3  
Affected: IC 8-1-2-1

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) “Commission” means the Indiana utility regulatory commission.

(c) “Customer” means any person, firm, corporation, municipality, or other government agency that has agreed, orally or otherwise, to pay for electric service received from an investor-owned electric utility.

(d) “Eligible net metering customer” means a customer in good standing that owns and operates a solar, wind, or hydroelectrical generating facility that:

- (1) has a nameplate capacity less than or equal to ten (10) kilowatts (kW);
- (2) is located on the eligible net metering customer’s premises; and
- (3) is used primarily to offset all or part of the eligible net metering customer’s own electricity requirements.

(e) “In good standing” means a customer whose account is not more than thirty (30) days in arrears and who does not have any legal orders outstanding pertaining to his or her investor-owned electric utility.

(f) “Interconnection” or “interconnected” means the physical, parallel connection of a net metering facility with a distribution facility of an investor-owned electric utility.

(g) “Investor-owned electric utility” or “utility” means a utility that is financed by the sale of securities and whose business operations are overseen by a board representing their shareholders.

(h) “Name plate capacity” means the full-load continuous

rating of a generator under specified conditions as designated by the manufacturer.

(i) “Net metering” means measurement of the difference between the electricity that is supplied by the investor-owned electric utility to an eligible net metering customer and the electricity that is supplied back to the investor-owned electric utility by an eligible net metering customer.

(j) “Net metering facility” means an arrangement of equipment for the production of electricity from the movement of water or wind, or by photoelectric transformation, that is owned and operated by an eligible net metering customer.

(k) “Parallel” means the designed operation of the net metering facility, interconnection equipment, and the investor-owned electric utility’s system where the instantaneous flow of electrical energy may automatically occur in either direction across the interconnection point between the net metering facility and the electrical utility’s distribution system.

(l) “System emergency” means a condition on a utility’s system reasonably likely to result in any of the following:

- (1) A significant disruption of service to a customer.
- (2) A substantial deviation from a normal service standard.
- (3) An endangerment to life or property.

*(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-1; filed Oct 22, 2004, 11:00 a.m.: 28 IR 786)*

**170 IAC 4-4.2-2 Applicability**

Authority: IC 8-1-1-3  
Affected: IC 8-1-2

Sec. 2. These rules shall apply to any investor-owned electric utility, subject to the jurisdiction of the commission, that may now or hereafter be engaged in the production, transmission, sale, or distribution of electric service and all net metering facilities as defined in section 1 of this rule that are interconnected with such utilities. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-2; filed Oct 22, 2004, 11:00 a.m.: 28 IR 786)*

**170 IAC 4-4.2-3 Exemption**

Authority: IC 8-1-1-3  
Affected: IC 8-1-2

Sec. 3. Net metering facilities shall be exempt from revenue requirement and associated regulation under IC 8-1-2 as administered by the commission, but the commission shall have authority over rates charged by electric utilities to net metering facilities. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-3; filed Oct 22, 2004, 11:00 a.m.: 28 IR 786)*

**170 IAC 4-4.2-4 Availability**

Authority: IC 8-1-1-3  
Affected: IC 8-1-2-34.5

Sec. 4. An investor-owned electric utility shall offer net metering to residential customers and K-12 schools that install a net metering facility. The utility may offer net metering to other customers at its discretion. The utility may limit the aggregate amount of net metering facility nameplate capacity under the net metering tariff to one-tenth percent (0.1%) of the most recent summer peak load of the utility. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-4; filed Oct 22, 2004, 11:00 a.m.: 28 IR 786)*

**170 IAC 4-4.2-5 Interconnection**

Authority: IC 8-1-1-3  
Affected: IC 8-1-2-4

Sec. 5. (a) A net metering interconnection agreement between the investor-owned electric utility and the eligible net metering customer must be executed before the net metering facility may be interconnected with the investor-owned electric utility's system.

(b) The net metering facility shall comply with the technical interconnection requirements approved by the commission as outlined in section 9(a) of this rule. Inverter based systems listed by Underwriters Laboratories (UL) to UL standard 1741, published May 7, 1999, as revised January 17, 2001 (UL 1741), shall be accepted by the investor-owned electric utility as meeting the technical interconnection requirements tested by UL 1741.

(c) The eligible net metering customer shall provide the investor-owned electric utility proof of qualified installation of the net metering facility. Certification by a licensed electrician shall constitute acceptable proof.

(d) An investor-owned electric utility shall not require an eligible net metering customer, whose net metering facility meets the standards of this rule, to do any of the following:

- (1) Install additional controls.
- (2) Perform or pay for additional tests.
- (3) Pay for inspections by the utility or the utility's representative.

(e) The eligible net metering customer shall install, operate, and maintain the net metering facility in accordance with the manufacturer's suggested practices for safe, efficient, and reliable operation in parallel to the investor-owned electric utility's system.

(f) The investor-owned electric utility may isolate any net metering facility if the investor-owned electric utility believes continued interconnection with the net metering facility creates or contributes to a system emergency. System emergencies causing discontinuance of interconnection shall be subject to verification by the commission upon a complaint made by the net metering customer in accordance with section 10 of this rule.

(g) The investor-owned electric utility may perform

reasonable on-site inspections to verify the proper installation and continuing safe operation of the net metering facility and interconnection facilities, at reasonable times and upon reasonable advance notice to the net metering customer. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-5; filed Oct 22, 2004, 11:00 a.m.: 28 IR 787)*

**170 IAC 4-4.2-6 Metering**

Authority: IC 8-1-1-3  
Affected: IC 8-1-2

Sec. 6. (a) One (1) of the following metering options, if not already present, shall be installed on the eligible net metering customer's premises by the utility to properly record the net kilowatt hours (kWh) of a net metering facility:

- (1) One (1) main watt-hour meter capable of measuring net kWh.
- (2) One (1) main watt-hour meter measuring kWh to the eligible net metering customer and a second watt-hour meter measuring kWh to the investor-owned electric utility. The reading of the second meter will be subtracted from the reading of the main meter to obtain net kWh for billing.

(b) An investor-owned electric utility shall not charge the eligible net metering customer any costs or fees for the following:

- (1) Additional metering for single-phase configurations installed by the utility.
- (2) Eligible net metering customer's request to participate in net metering program.
- (3) Initial net metering facility inspection.

*(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-6; filed Oct 22, 2004, 11:00 a.m.: 28 IR 787)*

**170 IAC 4-4.2-7 Billing**

Authority: IC 8-1-1-3  
Affected: IC 8-1-2-34.5; IC 8-1-2-38

Sec. 7. An investor-owned electric utility shall determine an eligible net metering customer's monthly bill as follows:

- (1) Bill charges, credits, rates, and adjustments shall be in accordance with the utility's tariff and administrative rules that would apply if the eligible net metering customer did not participate in net metering.
- (2) The utility shall measure the difference between the amount of electricity delivered by the utility to the eligible net metering customer and the amount of electricity generated by the eligible net metering customer and delivered to the utility during the billing period, in accordance with normal metering practices. If the kilowatt hours (kWh) delivered by the utility to the eligible net metering customer exceeds [*sic., exceed*] the kWh delivered by the eligible net metering customer to the utility during the billing period, the eligible net metering customer shall be billed for the kWh difference at the rate applicable to the eligible net metering customer if it was

not an eligible net metering customer. If the kWh generated by the eligible net metering customer and delivered to the utility exceeds [*sic., exceed*] the kWh supplied by the utility to the eligible net metering customer during the billing period, the eligible net metering customer shall be credited in the next billing cycle for the kWh difference.

(3) When the eligible net metering customer elects to no longer participate in the net metering tariff, any unused credit shall revert to the utility.

*(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-7; filed Oct 22, 2004, 11:00 a.m.: 28 IR 787)*

### 170 IAC 4-4.2-8 Liability insurance and indemnity

Authority: IC 8-1-1-3

Affected: IC 8-1-2-33; IC 8-1-2-34

Sec. 8. (a) An eligible net metering customer operating a net metering facility shall maintain homeowners, commercial, or other insurance providing coverage in the amount of at least one hundred thousand dollars (\$100,000) for the liability of the insured against loss arising out of the use of a net metering facility. Eligible net metering customers shall not be required by the utility to obtain liability insurance with limits higher than that which is stated in this section, nor shall such eligible net metering customers be required by the utility to purchase additional liability insurance, for example, insurance coverage that exceeds one hundred thousand dollars (\$100,000) where the eligible net metering customer's existing insurance policy provides coverage against loss arising out of the use of a net metering facility by virtue of not explicitly excluding coverage for such loss.

(b) The utility and the eligible net metering customer shall indemnify and hold the other party harmless from and against all claims, liability, damages, and expenses, including attorney's fees, based on any injury to any person, including loss of life or damage to any property, including loss of use thereof, arising out of, resulting from, or connected with, or that may be alleged to have arisen out of, resulted from, or connected with an act or omission by such other party, its employees, agents, representatives, successors, or assigns in the construction, ownership, operation, or maintenance of such party's facilities used in net metering. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-8; filed Oct 22, 2004, 11:00 a.m.: 28 IR 788)*

### 170 IAC 4-4.2-9 Tariff and reporting requirements

Authority: IC 8-1-1-3

Affected: IC 8-1-2

Sec. 9. (a) Within sixty (60) days of the effective date of this rule, all electric utilities shall submit for approval under the commission's thirty (30) day filing process a net metering tariff. The net metering tariff shall include the technical interconnection requirements of the investor-owned electric utility and shall comply with the requirements of this rule.

(b) Within sixty (60) days of the effective date of this rule,

all investor-owned electric utilities shall submit for approval via the commission's thirty (30) day filing process a generic interconnection agreement applicable to net metering facilities. An interconnection agreement shall include the following:

- (1) The name of the eligible net metering customer.
- (2) The location of the proposed net metering facility.
- (3) Type of the proposed net metering facility.
- (4) Size or inverter power rating, or both, of the proposed net metering facility.
- (5) Inverter manufacturer and model number.
- (6) A description of the electrical installation of the inverter and associated electrical equipment.

(c) On or before March 1 of each year, each investor-owned electric utility shall file with the commission a net metering report. The net metering report shall contain the following:

- (1) The total number of eligible net metering customers and facilities.
- (2) The number, size, and type (solar, wind, hydro) of net metering facilities.
- (3) The number of new eligible net metering customers interconnected during the previous calendar year.
- (4) The number of existing eligible net metering customers that ceased participation in the net metering tariff during the previous calendar year.
- (5) If available, data on the amount of electricity generated by net metering facilities.
- (6) A list of any system emergency disconnections that occurred in accordance with section 5(f) of this rule and an explanation of each system emergency.

*(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-9; filed Oct 22, 2004, 11:00 a.m.: 28 IR 788)*

### 170 IAC 4-4.2-10 Customer complaints

Authority: IC 8-1-1-3

Affected: IC 8-1-2-34.5

Sec. 10. In the event an investor-owned electric utility and an eligible net metering customer are unable to agree on matters relating to net metering, either party may raise a customer complaint to the commission in accordance with the commission's consumer complaint rules. *(Indiana Utility Regulatory Commission; 170 IAC 4-4.2-10; filed Oct 22, 2004, 11:00 a.m.: 28 IR 788)*

*LSA Document #03-305(F)*

*Notice of Intent Published: December 1, 2003; 27 IR 906*

*Proposed Rule Published: April 1, 2004; 27 IR 2312*

*Hearing Held: May 20, 2004*

*Approved by Attorney General: October 8, 2004*

*Approved by Governor: October 21, 2004*

*Filed with Secretary of State: October 22, 2004, 11:00 a.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: Underwriters Laboratories, Inc., Standard for Safety Inverters, Converters, and*

*Controllers for Use in Independent Power Systems, UL 1741, revised through January 17, 2001.*

**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

LSA Document #04-68(F)

**DIGEST**

Amends 170 IAC 4-1-23 concerning electricity interruptions of service and outage reporting. Effective 30 days after filing with the secretary of state.

**170 IAC 4-1-23**

SECTION 1. 170 IAC 4-1-23 IS AMENDED TO READ AS FOLLOWS:

**170 IAC 4-1-23 Interruptions of service; timing; records**

Authority: IC 8-1-1-3; IC 8-1-2-4

Affected: IC 8-1-2-12; IC 8-1-2-113; IC 8-1-13

Sec. 23. **Interruptions of Service.** Each utility shall keep a record of any interruption of service affecting its entire system or a major division thereof, including a statement of time, duration, extent and cause of the interruption: (a) For purposes of this section, the following definitions apply:

(1) "Business days" means all days other than:

- (A) Saturday;
- (B) Sunday; or
- (C) a legal holiday observed by the state of Indiana.

(2) "Customer" means a metered electrical service point for which an active bill account is established at a specific location.

(3) "Customer average interruption duration index (CAIDI)" is calculated by dividing the summation of sustained service interruption durations for a specified period of time by the total number of customers interrupted. This index indicates the average time required to restore a sustained service interruption.

(4) "Customer of record" means any:

- (A) person;
- (B) firm;
- (C) corporation;
- (D) municipality; or
- (E) other government agency;

which has agreed, orally or otherwise, to pay for electric service received from a utility.

(5) "Interruption" means the loss of electrical service to one (1) or more customers connected to the distribution portion of the system.

(6) "Investor-owned utility" means any utility that is financed by the sale of securities and whose business operations are overseen by a board representing their shareholders.

(7) "Nonbusiness days" means:

- (A) Saturday;
- (B) Sunday; or
- (C) a legal holiday observed by the state of Indiana.

(8) "Planned service interruption" means a service interruption initiated by the utility to perform scheduled activities, such as, but not limited to:

- (A) maintenance;
- (B) infrastructure improvements; and
- (C) new construction due to customer growth.

Customers of record are typically notified in advance of such events.

(9) "REMC" means an electric utility formed under IC 8-1-13.

(10) "Sustained service interruption" means a service interruption that is greater than or equal to five (5) minutes unless defined as five (5) minutes or less by the individual utility.

(11) "System average interruption duration index (SAIDI)" is calculated by dividing the summation of sustained service interruption durations for a specified period of time by the total number of customers served. This index indicates the total duration of a sustained service interruption for the average customer during a specified period of time.

(12) "System average interruption frequency index (SAIFI)" is calculated by dividing the summation of customers that experienced sustained service interruptions over a specified period of time by the total number of customers served. This index indicates how many sustained service interruptions a customer experiences over a specified period of time.

(b) The requirements for the reporting of sustained service interruptions are as follows:

(1) A utility shall report any interruption in service that is not planned that meets the following criteria:

(A) For investor-owned utilities, interruptions of service lasting two (2) hours or more and affecting two percent (2%) or five thousand (5,000) customers, whichever is fewer.

(B) For REMCs, interruptions of service lasting two (2) hours or more and affecting one thousand five hundred (1,500) or more customers.

An initial report shall be made to the commission by the next regularly scheduled interval as provided in subdivision (2) and updates shall be made to the commission at each regularly scheduled interval until electrical service has been restored to the level below that of the threshold described in clause (A). The report indicating that all electrical service has been restored to the level below that of the threshold described in clause (A) shall be noted as the "final report" for each interruption period.

(2) The regularly scheduled intervals for reporting times shall be as follows:

(A) On business days: 6:00 a.m., 9:00 a.m., 11:00 a.m., 2:00 p.m., 4:00 p.m., and 9:00 p.m., Eastern Standard

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Time (EST) (Indianapolis time).

(B) On nonbusiness days: 6:00 a.m., 2:00 p.m., and 9:00 p.m. Eastern Standard Time (EST) (Indianapolis time).

(3) Service interruption reports that occur during business days shall be submitted to the commission and the office of the utility consumer counselor via commission prescribed format. The preferred method of reporting is via electronic mail; however, telephone or other types of reports may be made if coordinated in advance with commission staff.

(4) In the case of an extreme emergency, a different schedule for status reporting may be agreed to by the commission and the utility until the emergency has ended.

(5) The commission shall notify the utility if a written report or further information is required after the final report is submitted.

(6) This subsection shall not apply to a curtailment or an interruption of service to customers receiving service under interruptible rate classifications when the curtailment or interruption of service occurs pursuant to the affected retail customer's service agreement.

(c) Whenever the service is intentionally interrupted for any purpose, such interruptions the utility shall, except in emergencies, be at a time which will cause make reasonable attempts to minimize the least inconvenience to affected customers. Those customers who will be most seriously affected by such interruption shall, so far as possible, be notified in advance. Whenever the service is interrupted other than intentionally in a major division or community the utility shall notify the Public Service Commission by telephone at the earliest practicable moment following discovery, giving the above information and confirming by a written report within five days thereafter, and shall submit such additional reports as the commission may require. of record. The utility shall make reasonable attempts to notify in advance customers of record whose service is expected to be interrupted for more than one (1) hour for scheduled maintenance or facilities upgrades, consistent with safety and security considerations. This rule does not apply to customer interruptions pursuant to an interruptible tariff or agreement approved by the commission.

(d) Utilities shall first attempt to restore service that affects public health and safety. Each utility shall have written procedures for designated employees to follow in emergencies. The procedures shall contain at least the following:

(1) Notification procedures for emergency response personnel.

(2) General location or locations of:

- (A) equipment;
- (B) tools; and
- (C) materials;

normally needed to restore service.

(3) Procedures for notifying:

- (A) fire;

- (B) police;
- (C) medical; and
- (D) other public; officials.

(e) Each investor-owned utility shall file a reliability indices report with the commission's electricity division on or before March 1 of each year. The first report filed under this section shall include data from the previous three (3) calendar years. Subsequent reports filed under this section shall include data only from the previous calendar year. The report shall contain the following information:

(1) The reliability indices SAIDI, CAIDI, and SAIFI, with and without major events, for the utility's system and for each district or region into which its system may be divided. The utility shall report these data and analyses on a form prescribed by the commission.

(2) The definition of major event used by the utility for reporting purposes.

(3) For the reported indices, the number of customers used for the calculations and the utility's definition of customer.

If a REMC maintains sufficient electronic records to comply with this subsection, the cooperative utility shall file a reliability indices report under this subsection.

(f) The commission may require that data be reported by the utilities in order to determine whether a utility is providing service consistent with this rule. The utility shall maintain historical CAIDI, SAIDI, SAIFI, and supporting data needed to calculate those indexes for a minimum of seven (7) years. (*Indiana Utility Regulatory Commission; No. 33629: Standards of Service For Electrical Utilities Rule 21; filed Mar 10, 1976, 9:10 a.m.: Rules and Regs. 1977, p. 355; readopted filed Jul 11, 2001, 4:30 p.m.: 24 IR 4233; filed Oct 18, 2004, 2:40 p.m.: 28 IR 789*)

*LSA Document #04-68(F)*

*Notice of Intent Published: April 1, 2004; 27 IR 2301*

*Proposed Rule Published: June 1, 2004; 27 IR 2765*

*Hearing Held: July 14, 2004*

*Approved by Attorney General: September 29, 2004*

*Approved by Governor: October 13, 2004*

*Filed with Secretary of State: October 18, 2004, 2:40 p.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

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## TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #04-44(F)

DIGEST

Readopts 326 IAC 2-5.1-1, 326 IAC 2-5.1-2, 326 IAC 2-5.5,

326 IAC 2-6.1, and 326 IAC 2-9. Effective 30 days after filing with the secretary of state.

**HISTORY**

Section 7 Notice and Notice of First Hearing: March 1, 2004, Indiana Register (27 IR 2082).

Date of First Hearing: May 5, 2004.

Proposed Rule and Notice of Second Hearing: July 1, 2004, Indiana Register (27 IR 3143).

Date of Second Hearing: September 1, 2004.

<b>326 IAC 2-5.1-1</b>	<b>326 IAC 2-9-1</b>
<b>326 IAC 2-5.1-2</b>	<b>326 IAC 2-9-2.5</b>
<b>326 IAC 2-5.5-1</b>	<b>326 IAC 2-9-3</b>
<b>326 IAC 2-5.5-2</b>	<b>326 IAC 2-9-4</b>
<b>326 IAC 2-5.5-3</b>	<b>326 IAC 2-9-5</b>
<b>326 IAC 2-5.5-4</b>	<b>326 IAC 2-9-6</b>
<b>326 IAC 2-5.5-5</b>	<b>326 IAC 2-9-7</b>
<b>326 IAC 2-5.5-6</b>	<b>326 IAC 2-9-8</b>
<b>326 IAC 2-6.1-1</b>	<b>326 IAC 2-9-9</b>
<b>326 IAC 2-6.1-2</b>	<b>326 IAC 2-9-10</b>
<b>326 IAC 2-6.1-3</b>	<b>326 IAC 2-9-11</b>
<b>326 IAC 2-6.1-4</b>	<b>326 IAC 2-9-12</b>
<b>326 IAC 2-6.1-5</b>	<b>326 IAC 2-9-13</b>
<b>326 IAC 2-6.1-6</b>	<b>326 IAC 2-9-14</b>
<b>326 IAC 2-6.1-7</b>	

SECTION 1. 326 IAC 2-5.1-1 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-5.1-1 Exemptions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 1. The following shall be exempt from the requirements of this rule:

- (1) New sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or not specifically required to obtain a registration or permit under this rule.
- (2) Existing sources operating pursuant to a permit issued under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.
- (3) Existing sources operating pursuant to a source specific operating agreement under 326 IAC 2-9.
- (4) Existing sources operating pursuant to a permit by rule under 326 IAC 2-10 or 326 IAC 2-11.

*(Air Pollution Control Board; 326 IAC 2-5.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 791)*

SECTION 2. 326 IAC 2-5.1-2 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-5.1-2 Registrations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 4-21.5-3-4; IC 13-15-4-9; IC 13-17

Sec. 2. (a) On and after the effective date of this rule, this section applies to the following new sources:

- (1) Sources with a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM<sub>10</sub>).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO<sub>2</sub>).

(ii) Nitrogen oxides (NO<sub>x</sub>).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources not described in clause (D).

(D) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(G) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H<sub>2</sub>S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(2) Any source that:

(A) is subject to 326 IAC 20-8; and

(B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(b) No person subject to subsection (a) shall construct or operate any new source subject to this section without registering the new source with the commissioner.

(c) The registrant shall submit an application in accordance with this rule to the commissioner. The application shall include the following information:

(1) Company name and address.

(2) Descriptive information as follows:

(A) A description of the nature and location of the proposed construction or modification.

(B) The design capacity and typical operating schedule of the proposed construction or modification.

(C) A description of the source and the emissions unit or units comprising the source.

(D) A description of any emission control equipment, including design specifications.

(3) A schedule for construction or modification of the source.

(4) Information on the nature and amount of pollutants to be emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable state air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(d) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(e) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

- (1) do not contain adequate information for the commissioner to process the application; or
- (2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9.

(f) A registration issued by the commissioner shall include terms and conditions that include all of the following:

- (1) Identification of any and all applicable requirements.
- (2) A physical description of the emissions unit or units and operating information consistent with the application information.
- (3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.
- (4) An approval to operate in accordance with 326 IAC 2-5.5.

(g) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(h) The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4.

(i) The commissioner shall not issue a registration that limits a source's potential to emit. (*Air Pollution Control Board; 326 IAC 2-5.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1008; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 791*)

SECTION 3. 326 IAC 2-5.5-1 IS READOPTED TO READ AS FOLLOWS:

### 326 IAC 2-5.5-1 Applicability

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 1. (a) The following shall be exempt from the requirements of this rule:

(1) Existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or are not specifically required to obtain a registration under this rule.

(2) Existing sources operating pursuant to one (1) of the following:

(A) A Part 70 permit under 326 IAC 2-7.

(B) A federally enforceable state operating permit (FESOP) under 326 IAC 2-8.

(C) A source specific operating agreement under 326 IAC 2-9.

(D) A permit by rule under 326 IAC 2-10.

(E) A permit by rule under 326 IAC 2-11.

(F) A minor source operating permit under 326 IAC 2-6.1.

(b) On and after the effective date of this rule, this rule applies to the following existing sources:

(1) Sources with a potential to emit within the following ranges:

(A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM<sub>10</sub>).

(B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:

(i) Sulfur dioxide (SO<sub>2</sub>).

(ii) Nitrogen oxides (NO<sub>x</sub>).

(C) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of volatile organic compounds (VOC) for sources that are not described in clause (D).

(D) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for sources that require the use of air pollution control equipment to comply with the applicable provisions of 326 IAC 8.

(E) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).

(F) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).

(G) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:

(i) Hydrogen sulfide (H<sub>2</sub>S).

(ii) Total reduced sulfur (TRS).

(iii) Reduced sulfur compounds.

(iv) Fluorides.

(2) Any existing source that:

(A) is subject to 326 IAC 20-8; and

(B) consists of only decorative chromium electroplating tanks that use a trivalent chromium process that incorporates a wetting agent.

(c) No person subject to subsection (b) shall operate an existing source subject to this rule without registering the source with the commissioner. (*Air Pollution Control Board; 326 IAC 2-5.5-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 792*)

SECTION 4. 326 IAC 2-5.5-2 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-5.5-2 Compliance schedule**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 2. (a) Any chrome electroplating source that meets the applicability criteria under section 1(b)(2) of this rule shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air registration shall apply for approval under this rule no later than twenty-four (24) months from the effective date of this rule.

(c) Any existing source not described by subsection (a) that does not have a valid air registration shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule. (*Air Pollution Control Board; 326 IAC 2-5.5-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 793*)

SECTION 5. 326 IAC 2-5.5-3 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-5.5-3 Application requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15-4-9; IC 13-17

Sec. 3. (a) Any person required to prepare an application under section 1(b) of this rule shall prepare and submit a permit application to the commissioner in accordance with this section.

(b) The application shall include the following information:

- (1) Company name and address.
- (2) Descriptive information as follows:
  - (A) A description of the nature and location of the proposed construction or modification.
  - (B) The design capacity and typical operating schedule of the proposed construction or modification.
  - (C) A description of the source and the emissions unit or units comprising the source.
  - (D) A description of any emission control equipment, including design specifications.
- (3) A schedule for construction or modification of the source.
- (4) Information on the nature and amount of pollutants to be

emitted and any other information determined by the commissioner as necessary to demonstrate compliance with the ambient air quality standards.

(5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable state air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(c) Upon receipt of the information requested, the commissioner shall make a final determination within the time period described under 326 IAC 2-1.1-8.

(d) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

- (1) do not contain adequate information for the commissioner to process the application; or
- (2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. (*Air Pollution Control Board; 326 IAC 2-5.5-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1012; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 793*)

SECTION 6. 326 IAC 2-5.5-4 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-5.5-4 Registration content**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 4. (a) A registration issued by the commissioner shall include terms and conditions that include all of the following:

- (1) Identification of any and all applicable requirements.
- (2) A physical description of the emissions unit or units and operating information consistent with the application information.
- (3) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the registration.

(b) A registration issued by the commissioner may include terms and conditions that require monitoring, record keeping, and reporting as necessary to assure compliance with all applicable requirements.

(c) The commissioner shall not issue a registration that limits a source's potential to emit. (*Air Pollution Control Board; 326 IAC 2-5.5-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 793*)

SECTION 7. 326 IAC 2-5.5-5 IS READOPTED TO READ AS FOLLOWS:

### **326 IAC 2-5.5-5 Public notice**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 4-21.5-3-4; IC 13-15; IC 13-17

Sec. 5. The issuance of a registration shall not be subject to the public notice requirements under 326 IAC 2-1.1-6, but the commissioner shall provide for public notice pursuant to IC 4-21.5-3-4. (*Air Pollution Control Board; 326 IAC 2-5.5-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 794*)

SECTION 8. 326 IAC 2-5.5-6 IS READOPTED TO READ AS FOLLOWS:

### **326 IAC 2-5.5-6 Source modification**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 6. (a) Any person proposing to construct new emissions units, modify existing emissions units, or otherwise modify the source as described in this section shall submit an application or notification in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof if the repair or replacement:

- (1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;
- (2) is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1; and
- (3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or registration revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or registration revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following:

- (1) The information required under section 3(b) of this rule.
- (2) Identification of the applicable requirements to which the source is newly subject as a result of the change, including the

applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements as appropriate.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes and shall not require public notice or prior approval by the commissioner:

- (1) Changes correcting typographical errors.
- (2) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.
- (3) Changes in ownership or operational control of a source.
- (4) Modifications that would require more frequent monitoring or reporting.
- (5) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in 326 IAC 2-5.1-3(a) or a significant change in the method or methods to demonstrate or monitor compliance.
- (6) Incorporation of newly applicable requirements as a result of a change in applicability.
- (7) Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60, 40 CFR 61, or 40 CFR 63\*.
- (8) Incorporation of newly-applicable monitoring or testing requirements specified in 40 CFR 60, 40 CFR 61, or 40 CFR 63\* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.
- (9) Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.
- (10) Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or greater than or equal to two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs unless the modification would increase the potential to emit of the source above ten (10) tons per year of a single HAP or twenty-five (25) tons per year of any combination of HAPs.
- (11) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless:
  - (A) the modification results in the replacement or repair of an entire process;
  - (B) the modification qualifies as a reconstruction of an entire process; or
  - (C) the modification may result in an increase of actual emissions.

(12) Modifications that consist of emission units described under 326 IAC 2-1.1-3(d)(1) through 326 IAC 2-1.1-3(d)(31).

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) days of making the change or modification and shall include the information required under section 3(b) of this rule. The notification shall be sent by one (1) of the following means:

- (1) Certified mail.
- (2) Delivery by hand or express service.
- (3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall revise the registration consistent with the following:

- (1) The commissioner shall revise the registration within thirty (30) days of receipt of the notification.
- (2) The commissioner shall send a copy of the revised registration to the registrant.
- (3) The registrant may implement the change or modification upon submittal of the notification.

(g) Any person proposing to make a change or modification not described in subsection (d) shall submit an application concerning the change or modification prior to making the change or modification and shall include the information under subsection (c).

(h) An application submitted in accordance with subsection (g) shall be processed as follows:

- (1) Within forty-five (45) days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:

- (A) Approve the modification request and issue a revised registration incorporating the modification.
- (B) Determine that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.
- (C) Deny the modification request.

(2) If after review of the application, the commissioner determines that the change or modification will increase the potential to emit of the source to a level that would require an operating permit under 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the commissioner shall:

- (A) notify the source of the requirement to obtain an operating permit;
- (B) provide the source with the appropriate permit application forms; and
- (C) issue or deny the operating permit pursuant to the requirements in 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, whichever is applicable.

*(Air Pollution Control Board; 326 IAC 2-5.5-6; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1013; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 794)*

SECTION 9. 326 IAC 2-6.1-1 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-6.1-1 Exemptions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 1. The following shall be exempt from the requirements of this rule:

- (1) Existing sources or modifications to existing sources that meet the criteria for an exemption under 326 IAC 2-1.1-3 or are not specifically required to obtain a permit under this rule shall be exempt from the requirements of this rule.
- (2) Existing sources operating pursuant to one (1) of the following:
  - (A) A Part 70 permit under 326 IAC 2-7.
  - (B) A federally enforceable state operating permit (FESOP) under 326 IAC 2-8.
  - (C) A source specific operating agreement under 326 IAC 2-9.
  - (D) A permit by rule under 326 IAC 2-10.
  - (E) A permit by rule under 326 IAC 2-11.

*(Air Pollution Control Board; 326 IAC 2-6.1-1; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795)*

SECTION 10. 326 IAC 2-6.1-2 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-6.1-2 Applicability**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 2. Except for sources required to have a Part 70 permit as described in 326 IAC 2-7-2, sources in existence prior to December 25, 1998, and meeting any of the applicability criteria under 326 IAC 2-5.1-3(a) shall apply for an air operating permit as described in this rule. *(Air Pollution Control Board; 326 IAC 2-6.1-2; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795)*

SECTION 11. 326 IAC 2-6.1-3 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-6.1-3 Compliance schedule**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 3. (a) Any chrome electroplating source that meets the applicability criteria under 326 IAC 2-5.1-3 or medical waste incinerator subject to 40 CFR 60, Subpart Ce\*, shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(b) Any existing source not described by subsection (a) that has a valid air operating permit must apply for approval under this rule no later than ninety (90) days prior to the expiration

date of that permit, except for the following:

- (1) A source subject to the Part 70 Operating Permit Program under 326 IAC 2-7.
- (2) A source subject to the FESOP program under 326 IAC 2-8.
- (3) A source subject to source specific operating agreement requirements under 326 IAC 2-9.
- (4) A source subject to the requirements under 326 IAC 2-10 or 326 IAC 2-11.

(c) Any existing source not described by subsection (a) that does not have a valid air operating permit shall apply for approval under this rule no later than twelve (12) months from the effective date of this rule.

(d) Submittal of a complete Part 70 operating permit application under 326 IAC 2-7-3 and 326 IAC 2-7-4, whether before or after the effective date of this rule, shall satisfy the requirements of this rule.

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-6.1-3; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; filed May 21, 2002, 10:20 a.m.: 25 IR 3062; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 795*)

SECTION 12. 326 IAC 2-6.1-4 IS READOPTED TO READ AS FOLLOWS:

### **326 IAC 2-6.1-4 Application requirements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15-4-9; IC 13-17

Sec. 4. (a) At a minimum, an application for a permit or permit revision shall include the following information:

- (1) The company name and address.
- (2) The following descriptive information:
  - (A) A description of the nature and location of the proposed construction or modification.
  - (B) The design capacity and typical operating schedule of the proposed construction or modification.
  - (C) A description of the source and the emissions unit or units comprising the source.
  - (D) A description of any emission control equipment, including design specifications.
- (3) A schedule for construction or modification of the source or emissions unit.
- (4) The following information as needed to assure all reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA, the ambient air quality standards set forth in 326 IAC 1-3, or the prevention of

significant deterioration maximum allowable increase under 326 IAC 2-2:

- (A) Information on the nature and amount of the pollutant to be emitted, including an estimate of the potential to emit any regulated air pollutant.
- (B) Estimates of offset credits as required under 326 IAC 2-3, for sources to be constructed in nonattainment areas.
- (C) Monitoring, testing, reporting, and record keeping requirements.
- (D) Any other information (including, but not limited to, the air quality impact) determined by the commissioner to be necessary to demonstrate compliance with the requirements of this title and the requirements of the CAA, whichever are applicable.
- (5) Each application shall be signed by an authorized individual, unless otherwise noted, whose signature constitutes acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be constructed and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(b) If the commissioner finds an application submitted in accordance with this rule to be incomplete, the commissioner shall mail a notice of deficiency to the applicant that specifies the portions of the application that:

- (1) do not contain adequate information for the commissioner to process the application; or
- (2) are not consistent with applicable law or rules.

The applicant shall forward the required additional information to the commissioner, or request additional time for providing the information, within sixty (60) calendar days of receipt of the notice of deficiency. If the additional information is not submitted within sixty (60) calendar days, or the additional time provided by the commissioner, the application may be denied in accordance with IC 13-15-4-9. (*Air Pollution Control Board; 326 IAC 2-6.1-4; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1015; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 796*)

SECTION 13. 326 IAC 2-6.1-5 IS READOPTED TO READ AS FOLLOWS:

### **326 IAC 2-6.1-5 Operating permit content**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 5. (a) Permits or permit revisions issued under this rule shall contain the following:

- (1) Emission limitations for any source or emissions unit that assure:
  - (A) the ambient air quality standards set forth in 326 IAC 1-3 will be attained or maintained, or both;

(B) the applicable prevention of significant deterioration maximum allowable increases set forth in 326 IAC 2-2 will be maintained;

(C) the public health will be protected; and

(D) compliance with the requirements of this title and the requirements of the CAA will be maintained.

(2) Monitoring, testing, reporting, and record keeping requirements that assure reasonable information is provided to evaluate compliance consistent with the permit terms and conditions, the underlying requirements of this title and the CAA. Such requirements shall be in accordance with 326 IAC 3 and other applicable regulations.

(3) A requirement that any revision of an emission limitation, monitoring, testing, reporting, and record keeping requirements shall be made consistent with the permit revision requirements under section 6 of this rule and the procedures under this rule.

(4) A requirement that upon presentation of credentials and other documents as may be required by law, the owner or operator shall allow the commissioner, an authorized representative of the commissioner, or the U.S. EPA to perform the following at a reasonable time of day and in accordance with safety requirements:

(A) Enter upon the premises where a permitted source is located or emissions-related activity is conducted or where records required by a permit term or condition are kept.

(B) Have access to and copy any records that must be kept under this title or the conditions of a permit or operating permit revision.

(C) Inspect any operations, processes, emissions units (including monitoring and air pollution control equipment), or practices regulated or required under a permit or operating permit revision.

(D) Sample or monitor substances or parameters for the purpose of assuring compliance with a permit, permit revision, or applicable requirement as authorized by the CAA and this title.

(E) Document alleged violations using cameras or video equipment. Such documentation may be subject to a claim of confidentiality under 326 IAC 17.1.

(5) A requirement that an authorized individual provide an annual notice to the department that the source is in operation and in compliance with the permit or registration. The commissioner may request that the source provide an identification of all emission units that have been installed that are described under 326 IAC 2-1.1-3(d)(1) through 326 IAC 2-1.1-3(d)(31) with the annual notification.

(b) An operating permit issued under this rule may include terms and conditions that, notwithstanding the permit modification or revision requirements under section 6 of this rule, allow the source to make modifications without review, provided the operating permit includes terms and conditions that prescribe emissions limitations and standards applicable to specifically identified modifications or types of modifications which may occur during the term of the permit. Such permit conditions shall

include the following:

(1) Emission limitations and standards necessary to assure compliance with the permit terms and conditions and all applicable requirements.

(2) Monitoring, testing, reporting, and record keeping requirements that assure all reasonable information is provided to evaluate continuous compliance with the permit terms and conditions, the underlying requirements of this title, and the CAA.

(c) The commissioner shall not issue a minor source operating permit that includes terms and conditions that limit the potential to emit of the source to below emission thresholds for a Part 70 permit. (*Air Pollution Control Board; 326 IAC 2-6.1-5; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1016; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3106; filed Dec 20, 2001, 4:30 p.m.: 25 IR 1572; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 796*)

SECTION 14. 326 IAC 2-6.1-6 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-6.1-6 Permit revisions**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15-5; IC 13-17

Sec. 6. (a) Any person proposing to construct new emission units, modify existing emission units, or otherwise modify the source as described in this section shall submit an application or notification for a permit revision in accordance with this rule.

(b) Notwithstanding any other provision of this rule, the owner or operator of a source may repair or replace an emissions unit or air pollution control equipment or components thereof if the repair or replacement:

(1) results in a potential to emit for each regulated pollutant that is less than or equal to the potential to emit of the equipment or the affected emissions unit that was repaired or replaced;

(2) is not a major modification under 326 IAC 2-2-1, 326 IAC 2-3-1, or 326 IAC 2-4.1; and

(3) returns the emissions unit, process, or control equipment to normal operation after an upset, malfunction, or mechanical failure or prevents impending and imminent failure of the emissions unit, process, or control equipment.

If the repair or replacement qualifies as a reconstruction or is a complete replacement of an emissions unit or air pollution control equipment and would require a permit or operating permit revision under a provision of this rule, the owner or operator of the source must submit an application for a permit or permit revision to the commissioner no later than thirty (30) calendar days after initiating the repair or replacement.

(c) An application or notification required under this section shall contain the following information:

(1) The company name and address.

(2) A description of the change and the emissions resulting from the change.

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(3) An identification of the applicable requirements to which the source is newly subject as a result of the change, including the applicable emission limits and standards, applicable monitoring and test methods, and applicable record keeping and reporting requirements.

(4) A schedule of compliance, if applicable.

(5) Each application or notification shall be signed by an authorized individual whose signature constitutes an acknowledgement that the applicant assumes the responsibility of assuring that the source, emissions unit or units, or emission control equipment will be modified and will operate in compliance with all applicable Indiana air pollution control rules and the requirements of the CAA. Such signature shall also constitute affirmation that the statements in the application are true and complete, as known at the time of completion of the application, and shall subject the applicant to liability under state laws forbidding false or misleading statements.

(d) Notwithstanding the public participation requirements under 326 IAC 2-1.1-6, the following changes shall be designated as notice-only changes and shall not require public notice or prior approval by the commissioner:

(1) Changes correcting typographical errors.

(2) Minor administrative changes such as a change in the name, address, or telephone number of any person identified in a permit or a change in descriptive information concerning the source or emissions unit or units.

(3) Changes in ownership or operational control of a source.

(4) Modifications that would require more frequent monitoring or reporting.

(5) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not result in an increase in the potential to emit any regulated pollutant greater than the thresholds in 326 IAC 2-1.1-3(d)(1) or a significant change in the method or methods to demonstrate or monitor compliance.

(6) Incorporation of newly applicable requirements as a result of a change in applicability.

(7) Incorporation of alternative testing or compliance monitoring requirements that have received U.S. EPA approval under 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\*.

(8) Incorporation of newly-applicable monitoring or testing requirements specified in 40 CFR 60\*, 40 CFR 61\*, or 40 CFR 63\* that apply as the result of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change in applicability.

(9) Incorporation of test methods or monitoring requirements specified in an applicable requirement that the source may use under the applicable requirement as an alternative to the testing or monitoring requirements contained in the permit.

(10) Modifications that have the potential to emit greater than or equal to one (1) ton per year but less than ten (10) tons per year of a single hazardous air pollutant (HAP) as defined under Section 112(b) of the CAA or greater than or equal to

two and one-half (2.5) tons per year but less than twenty-five (25) tons per year of any combination of HAPs.

(11) A modification that meets the applicability criteria and can meet and will comply with the operational limitations for a source specific operating agreement under 326 IAC 2-9 or a general permit under 326 IAC 2-12.

(12) A modification of an existing source if the modification will replace or repair a part or piece of equipment in an existing process unless the modification:

(A) results in the replacement or repair of an entire process;

(B) qualifies as a reconstruction of an entire process; or

(C) may result in an increase of actual emissions.

(13) A modification that adds an emissions unit or units of the same type that are already permitted and that will comply with the same applicable requirements and permit terms and conditions as the existing emission unit or units, except if the modification would result in a potential to emit greater than the thresholds in 326 IAC 2-2 or 326 IAC 2-3.

(14) A modification that is subject to the following reasonably available control technology (RACT), a new source performance standard (NSPS), or a national emission standard for hazardous air pollutants (NESHAP) and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources\*:

(A) 40 CFR 60.40c\*, except for modifications to a source located in Lake County.

(B) 40 CFR 60.110b\*.

(C) 40 CFR 60.250\*, except for modifications that include thermal dryers.

(D) 40 CFR 60.330\* for modifications that only include emergency generators.

(E) 40 CFR 60.670\*.

(F) 40 CFR 61.110\*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP. For modifications under clauses (A) through (D), the source must use the monitoring specified in the relevant RACT, NSPS, or NESHAP.

(15) A modification that is subject to the following new source performance standards (NSPSs), except for modifications that would be subject to 326 IAC 8-1-6:

(A) 40 CFR 60.310\*.

(B) 40 CFR 60.390\*.

(C) 40 CFR 60.430\*.

(D) 40 CFR 60.440\*.

(E) 40 CFR 60.450\*.

(F) 40 CFR 60.460\*.

(G) 40 CFR 60.490\*.

(H) 40 CFR 60.540\*.

(I) 40 CFR 60.560\*.

(J) 40 CFR 60.580\*.

(K) 40 CFR 60.600\*.

- (L) 40 CFR 60.660\*.
- (M) 40 CFR 60.720\*.

As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the NSPS. For modifications under clauses (A) through (H), the source must use the monitoring specified in the NSPS.

(e) Any person proposing to make a change or modification described in subsection (d) shall submit a notification concerning the change or modification within thirty (30) calendar days of making the change or modification and shall include the information required under subsection (c). The notification shall be sent by one (1) of the following means:

- (1) Certified mail.
- (2) Delivery by hand or express service.
- (3) Transmission by other equally reliable means of notification by the source to the commissioner.

(f) The commissioner shall revise the permit within thirty (30) days of receipt of the notification. The commissioner shall provide the permittee with a copy of the revised permit. Notwithstanding IC 13-15-5, the permit revision shall be effective immediately.

(g) The following modifications shall require minor permit revisions and shall require approval prior to construction and operation:

- (1) Modifications that would reduce the frequency of any monitoring or reporting required by a permit condition or applicable requirement.
- (2) The addition of a portable source or relocation of a portable source to an existing source, if the addition or relocation would require a change to any permit terms or conditions.
- (3) Modifications involving a pollution control project or pollution prevention project as defined in 326 IAC 2-1.1-1 that do not increase the potential to emit any regulated pollutant greater than the thresholds under subdivision (4), but requires a significant change in the method or methods to demonstrate or monitor compliance.
- (4) Modifications that would have a potential to emit within the following ranges:
  - (A) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of either particulate matter (PM) or particulate matter less than ten (10) microns (PM<sub>10</sub>).
  - (B) Less than twenty-five (25) tons per year and equal to or greater than ten (10) tons per year of the following pollutants:
    - (i) Sulfur dioxide (SO<sub>2</sub>).
    - (ii) Nitrogen oxides (NO<sub>x</sub>).
    - (iii) Volatile organic compounds (VOC) for modifications that are not described in clause (C).
  - (C) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of volatile organic compounds (VOC) for modifications that require the use of air pollution control equipment to comply with the applica-

ble provisions of 326 IAC 8.

- (D) Less than one hundred (100) tons per year and equal to or greater than twenty-five (25) tons per year of carbon monoxide (CO).
- (E) Less than five (5) tons per year and equal to or greater than two-tenths (0.2) ton per year of lead (Pb).
- (F) Less than twenty-five (25) tons per year and equal to or greater than five (5) tons per year of the following regulated air pollutants:
  - (i) Hydrogen sulfide (H<sub>2</sub>S).
  - (ii) Total reduced sulfur (TRS).
  - (iii) Reduced sulfur compounds.
  - (iv) Fluorides.
- (5) Modifications for which the potential to emit is limited to less than twenty-five (25) tons per year of any regulated pollutant other than hazardous air pollutants, ten (10) tons per year of any single hazardous air pollutant as defined under Section 112(b) of the CAA, or twenty-five (25) tons per year of any combination of hazardous air pollutants by complying with one (1) of the following constraints:
  - (A) Limiting total annual solvent usage or maximum volatile organic compound content, or both.
  - (B) Limiting annual hours of operation of the process or business.
  - (C) Using a particulate air pollution control device as follows:
    - (i) Achieving and maintaining ninety-nine percent (99%) efficiency.
    - (ii) Complying with a no visible emission standard.
    - (iii) The potential to emit before air pollution controls does not exceed major source thresholds for federal permitting programs.
    - (iv) Certifying to the commissioner that the air pollution control device supplier guarantees that a specific outlet concentration, in conjunction with design air flow, will result in actual emissions less than twenty-five (25) tons of particulate matter (PM) or fifteen (15) tons per year of particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM<sub>10</sub>).
  - (D) Limiting individual fuel usage and fuel type for a combustion source.
  - (E) Limiting raw material throughput or sulfur content of raw materials, or both.
- (6) A modification that is not described under subsection (d)(14) or (d)(15) and is subject to a RACT, a NSPS, or a NESHAP, and the RACT, NSPS, or NESHAP is the most stringent applicable requirement, except for those modifications that would be subject to the provisions of 40 CFR 63, Subpart B Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources\*. As part of the application required under subsection (c), the applicant shall acknowledge the requirement to comply with the RACT, NSPS, or NESHAP.
- (7) A change for which a source requests an emission limit to avoid 326 IAC 8-1-6.

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(h) Minor permit revision procedures are as follows:

(1) Any person proposing to make a modification described in subsection (g) shall submit an application concerning the modification and shall include the information under subsection (c).

(2) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.

(3) Within forty-five (45) calendar days from receipt of an application for a minor permit revision, the commissioner shall do one (1) of the following:

(A) Approve the minor permit revision request.

(B) Deny the minor permit revision request.

(C) Determine that the minor permit revision request would cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) or prevention of significant deterioration (PSD) standards, would allow for an increase in emissions greater than the thresholds in subsection (i), or would not provide for compliance monitoring consistent with this rule and should be processed as a significant permit revision.

(4) The permit shall be revised by incorporating the minor permit revision into the permit. The commissioner shall make all changes necessary to assure compliance with this title and the CAA prior to attaching the amendment to the permit. The commissioner shall notify the source upon attachment of the minor permit revision to the permit. Notwithstanding IC 13-15-5, the permit revision shall be effective immediately.

(i) Significant permit revision procedures are as follows:

(1) Significant permit revisions are those changes that are not subject to subsection (d) or (g) and include the following:

(A) Any modification that would be subject to 326 IAC 2-2, 326 IAC 2-3, or 326 IAC 2-4.1.

(B) Any modification that results in the source needing to obtain a FESOP under 326 IAC 2-8 or a Part 70 permit under 326 IAC 2-7.

(C) A modification that is subject to 326 IAC 8-1-6.

(D) Any modification with a potential to emit lead at greater than or equal to one (1) ton per year.

(E) Any modification with a potential to emit greater than or equal to twenty-five (25) tons per year of the following pollutants:

(i) Particulate matter (PM) or particulate matter with an aerodynamic diameter less than or equal to ten (10) micrometers (PM<sub>10</sub>).

(ii) Sulfur dioxide (SO<sub>2</sub>).

(iii) Nitrogen oxides (NO<sub>x</sub>).

(iv) Volatile organic compounds (VOC).

(v) Hydrogen sulfide (H<sub>2</sub>S).

(vi) Total reduced sulfur (TRS).

(vii) Reduced sulfur compounds.

(viii) Fluorides.

(F) For a source of lead with a potential to emit greater than

or equal to five (5) tons per year, a modification that would increase the potential to emit greater than or equal to six-tenths (0.6) ton per year.

(G) Any modification with a potential to emit greater than or equal to ten (10) tons per year of a single hazardous air pollutant as defined under Section 112(b) of the CAA or twenty-five (25) tons per year of any combination of hazardous air pollutants.

(H) Any modification with a potential to emit greater than or equal to one hundred (100) tons per year of carbon monoxide (CO).

(I) Modifications involving a pollution control project as defined in 326 IAC 2-1.1-1 that result in an increase in the potential to emit any regulated pollutant greater than the thresholds under this section and require a significant change in the method or methods to demonstrate or monitor compliance.

(J) Modifications involving a pollution prevention project as defined in 326 IAC 2-1.1-1 that increase the potential to emit any regulated pollutant greater than the thresholds under this section.

(2) The following shall apply to significant permit revisions:

(A) Any person proposing to make a modification described in subdivision (1) shall submit an application concerning the modification and shall include the information under subsection (c).

(B) Except as provided in 326 IAC 2-13, the source may not begin construction on any emissions unit that is necessary to implement the modification until the commissioner has revised the permit.

(C) The commissioner shall provide for public notice and comment in accordance with 326 IAC 2-1.1-6.

(D) The commissioner shall approve or deny the significant permit revision as follows:

(i) Within one hundred twenty (120) calendar days from receipt of an application for a significant permit revision, except for a significant permit revision under subdivision (1)(A).

(ii) Within two hundred seventy (270) calendar days from receipt of an application for a significant permit revision under subdivision (1)(A).

(E) The permit shall be revised by incorporating the significant permit revision into the permit. The commissioner shall make any changes necessary to assure compliance with this title and the CAA prior to attaching the significant permit revision to the permit.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-6.1-6; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1017; errata filed*

*May 12, 1999, 11:23 a.m.: 22 IR 3106; filed May 21, 2002, 10:20 a.m.: 25 IR 3062; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 797)*

SECTION 15. 326 IAC 2-6.1-7 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-6.1-7 Operating permit renewal**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 7. (a) An operating permit shall be valid for a period of time not to exceed five (5) years. However, permits may be valid for any lesser period if determined necessary for administrative reasons by the commissioner.

(b) At least ninety (90) calendar days prior to the expiration date of an operating permit, the applicant shall apply for a new operating permit from the commissioner if the applicant wishes to continue operation of the source. If a timely and sufficient application for renewal has been made, the existing permit does not expire until a final decision on the application for renewal has been made by the department.

(c) The application for the operating permit renewal shall include the following information:

- (1) Certification that the source has not changed from the initial permit issuance or that all modifications to the source have been reviewed and approved in accordance with this rule.
- (2) Identification of any changes to the source that are subject to this article that have not received approval prior to construction or operation.

*(Air Pollution Control Board; 326 IAC 2-6.1-7; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1020; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 801)*

SECTION 16. 326 IAC 2-9-1 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-1 General provisions**

**Authority:** IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-11-2; IC 13-14-8

Sec. 1. (a) The definitions provided in IC 13-11-2, 326 IAC 1-2, 326 IAC 2-7, and 326 IAC 2-8 apply throughout this rule.

(b) A source may limit its potential to emit by complying with the specific restrictions and conditions listed in this rule. A source electing to comply with this rule shall apply to the commissioner for a source specific operating agreement. A source issued a source specific operating agreement pursuant to this rule is not subject to 326 IAC 2-6.1 unless otherwise required by state, federal, or local law. A source issued a source specific operating agreement pursuant to this rule is not subject to 326 IAC 2-5.1 or 326 IAC 2-7 provided the source specific operating agreement limits the source's potential to emit below

the applicability thresholds for 326 IAC 2-5.1 or 326 IAC 2-7. Until the commissioner has issued an operating agreement for a source that would otherwise be subject to 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, the source is subject to all applicable requirements of those rules. A source complying with this rule may at any time apply for a permit under 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8.

(c) The owner or operator of a source seeking an operating agreement shall submit a request to the commissioner. The request shall include all information necessary for the commissioner to verify that the source meets the applicable restrictions and conditions specified in this rule, including the following:

- (1) Identifying information.
- (2) Description of the nature, location, design capacity, and typical operating schedule of the source.
- (3) Description of the nature and amount of regulated pollutants emitted in the prior twelve (12) months.
- (4) Description of how the source will comply with the applicable restrictions and conditions specified in this rule.
- (5) Certification by a responsible official that the source shall comply with all applicable conditions of this rule.

The request shall be signed by a responsible official who shall certify that the information contained therein is accurate, true, and complete. Any applicable fees specified in this rule shall be submitted with the request.

(d) If the commissioner determines that the source meets the applicable restrictions and conditions specified in any applicable section of this rule, the commissioner shall issue the operating agreement. The operating agreement shall specify the source specific restrictions and conditions applicable to the source and shall also establish specific monitoring and reporting requirements. Any source for which the commissioner has issued a source specific operating agreement shall provide annual notice to the commissioner stating that the source is in operation and certifying that its operations are in compliance with applicable sections as specified in the operating agreement. This notice shall be submitted no later than January 30 of each year.

(e) Before a source subject to this section modifies its operations in such a way that it will no longer comply with the applicable restrictions and conditions of its source specific operating agreement, it shall obtain the appropriate approval from the commissioner under 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-4.1, 326 IAC 2-5.1, 326 IAC 2-6.1, 326 IAC 2-7, and 326 IAC 2-8.

(f) Any records required to be kept by a source in accordance with any section of this rule shall be maintained at the site for at least five (5) years and shall be made available for inspection by the department upon request.

(g) A source may apply for up to four (4) different types of source specific operating agreements contained in this rule provided allowable emissions or potential to emit for any

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regulated air pollutant, as limited under the source specific operating agreements, do not exceed major source levels when aggregated. A source may combine up to four (4) applications. The one-time application fee for a combined application submittal shall be five hundred dollars (\$500).

(h) Any source subject to this rule shall report to the department, in writing, any exceedance of a requirement contained in this rule or its operating agreement within one (1) week of its occurrence. The exceedance report shall include information on the actions taken to correct the exceedance, including measures to reduce emissions, in order to comply with the established limits. If an exceedance is the result of a malfunction, then the provisions of 326 IAC 1-6 apply.

(i) This rule does not affect a source's requirement to comply with provisions of any other applicable federal, state, or local requirement, except as specifically provided.

(j) Noncompliance with any applicable provision of this rule or any requirement contained in a source's operating agreement may result in the revocation of the operating agreement and make a source subject to the applicable requirements of a major source. (*Air Pollution Control Board; 326 IAC 2-9-1; filed May 25, 1994, 11:00 a.m.: 17 IR 2280; filed Apr 1, 1996, 9:00 a.m.: 19 IR 1757; filed May 7, 1997, 4:00 p.m.: 20 IR 2303; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1059; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 801*)

SECTION 17. 326 IAC 2-9-2.5 IS READOPTED TO READ AS FOLLOWS:

### **326 IAC 2-9-2.5 Industrial or commercial surface coating operations not subject to 326 IAC 8-2; graphic arts operations not subject to 326 IAC 8-5-5**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-11-2; IC 13-15; IC 13-17

Sec. 2.5. (a) As used in this section, "solvent containing material" means any product used in surface coating or graphic arts operations that contains volatile organic compounds (VOC) or hazardous air pollutants (HAP), including, but not limited to, the following:

- (1) Coatings.
- (2) Inks.
- (3) Thinners.
- (4) Degreasing solvents.
- (5) Clean-up solvents.
- (6) Other additives.

(b) Except if it is a modification of a major source in Lake or Porter County subject to 326 IAC 2-3-3, any industrial or commercial surface coating operation not subject to the requirements of 326 IAC 8-2 or graphic arts operation not subject to the requirements of 326 IAC 8-5-5 may elect to be subject to this section by complying with the requirements of section 1 of

this rule and the following conditions:

(1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

(2) One (1) of the following:

(A) All surface coating or graphic arts operations at the source shall use two thousand (2,000) gallons or less of solvent containing material for every twelve (12) month period.

(B) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:

(i) The total amount of VOC shall not exceed two (2) tons per month.

(ii) The total amount of a single HAP shall not exceed eight hundred thirty-three (833) pounds per month.

(iii) The total amount of any combination of HAP shall not exceed one (1) ton per month.

(3) For surface coating or graphic arts operations complying with subdivision (2)(A), the following records shall be kept at the source:

(A) Purchase orders or invoices of solvent containing materials.

(B) An annual summation on a calendar year basis of purchase orders or invoices for all solvent containing materials.

(4) For surface coating or graphic arts operations complying with subdivision (2)(B), the following records shall be kept at the source:

(A) Number of gallons of each solvent containing material used.

(B) VOC and HAP content (pounds/gallon) of each solvent containing material used.

(C) Material safety data sheets (MSDS) for each solvent containing material used.

(D) Monthly summation of VOC and HAP usage.

(E) Purchase orders and invoices for each solvent containing material used.

(5) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.

(6) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC and HAP totals and total VOC and HAP emissions for the previous twelve (12) months.

(*Air Pollution Control Board; 326 IAC 2-9-2.5; filed May 7, 1997, 4:00 p.m.: 20 IR 2305; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 802*)

SECTION 18. 326 IAC 2-9-3 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-3 Surface coating or graphic arts operations**

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 3. Any industrial or commercial surface coating operation or graphic arts operation may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following:

- (1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
  - (2) The total amount of VOC and HAP delivered to all surface coating or graphic arts operations at the source shall not exceed the following:
    - (A) Fifteen (15) pounds per day from surface coating or graphic arts operations at sources located outside of Lake and Porter Counties.
    - (B) Seven (7) pounds per day from surface coating or graphic arts operations at sources located in Lake and Porter Counties.
  - (3) For surface coating or graphic arts operations complying with subdivision (2), the following records shall be kept at the source:
    - (A) Number of gallons of each solvent containing material used.
    - (B) VOC and HAP content (pounds/gallon) of each solvent containing material used.
    - (C) Material safety data sheets (MSDS) for all VOC and HAP containing material used.
    - (D) Monthly summation of VOC and HAP usage.
    - (E) Purchase orders and invoices for each solvent containing material used.
  - (4) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.
  - (5) The annual notice required by section 1(d) of this rule shall include an inventory listing monthly VOC totals and total VOC emissions for the previous twelve (12) months.
- (Air Pollution Control Board; 326 IAC 2-9-3; filed May 7, 1997, 4:00 p.m.: 20 IR 2305; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 803)*

SECTION 19. 326 IAC 2-9-4 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-4 Woodworking operations**

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 4. (a) Any woodworking operation subject to 326 IAC 6-1 or 326 IAC 6-3 may elect to be subject to this section by complying with the requirements of section 1 of this rule and

meeting the conditions under subsection (b), (c), (d), (e), or (f).

(b) Unless the operations meet the conditions of subsection (c), (d), (e), or (f), woodworking operations shall meet the following conditions:

- (1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
- (2) The source shall not emit particulate matter with a diameter less than ten (10) microns (PM<sub>10</sub>) in excess of one-thousandth (0.001) grain per actual cubic foot.
- (3) The source shall discharge no visible emissions to the outside air from the woodworking operation.
- (4) The source shall not at any time exhaust to the atmosphere greater than four hundred thousand (400,000) actual cubic feet per minute.
- (5) The source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(c) Unless the operations meet the conditions of subsection (b), (d), (e), or (f), woodworking operations shall meet the following conditions:

- (1) The woodworking operations shall be controlled by a baghouse.
- (2) The baghouse does not exhaust to the atmosphere greater than one hundred twenty-five thousand (125,000) cubic feet per minute.
- (3) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of three-thousandths (0.003) grain per dry standard cubic feet of outlet air.
- (4) Opacity from the baghouse does not exceed ten percent (10%) opacity.
- (5) The baghouse is in operation at all times that the woodworking equipment is in use.
- (6) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22\* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
  - (A) The baghouse shall be inspected.
  - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
- (7) The baghouse is inspected quarterly when vented to the atmosphere.
- (8) The owner or operator keeps the following records:
  - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
  - (B) Quarterly inspection reports when vented to the atmosphere.
  - (C) Visible observation reports.
  - (D) Records of corrective actions.

(d) Unless the operations meet the conditions of subsection (b), (c), (e), or (f), woodworking operations shall meet the following conditions:

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- (1) The woodworking operations shall be controlled by a baghouse.
  - (2) The baghouse does not exhaust to the atmosphere greater than forty thousand (40,000) cubic feet per minute.
  - (3) The baghouse does not emit particulate matter with a diameter less than ten (10) microns in excess of one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
  - (4) Opacity from the baghouse does not exceed ten percent (10%).
  - (5) The baghouse is in operation at all times that the woodworking equipment is in use.
  - (6) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22\* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
    - (A) The baghouse shall be inspected.
    - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
  - (7) The baghouse is inspected quarterly when vented to the atmosphere.
  - (8) The owner or operator keeps the following records:
    - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
    - (B) Quarterly inspection reports when vented to the atmosphere.
    - (C) Visible observation reports.
    - (D) Records of corrective actions.
- (e) Unless the operations meet the conditions of subsection (b), (c), (d), or (f), woodworking operations shall meet the following conditions:
- (1) The woodworking operations shall be controlled by a baghouse.
  - (2) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
  - (3) The baghouse shall not exhaust greater than one hundred twenty-five thousand (125,000) cubic feet per minute to the atmosphere.
  - (4) The baghouse shall not emit particulate matter with a diameter less than ten (10) microns ( $PM_{10}$ ) greater than one-hundredth (0.01) grain per dry standard cubic feet of outlet air.
  - (5) Opacity from the baghouse does not exceed ten percent (10%).
  - (6) The baghouse is in operation at all times that the woodworking equipment is in use.
  - (7) Visible emissions from the baghouse are observed daily using procedures in accordance with 40 CFR 60, Appendix A, Method 22\* and normal or abnormal emissions are recorded. In the event abnormal emissions are observed for greater than six (6) minutes in duration, the following shall occur:
    - (A) The baghouse shall be inspected.
    - (B) Corrective actions, such as replacing or reseating bags, are initiated when necessary.
  - (8) The baghouse is inspected quarterly when vented to the atmosphere.
  - (9) The owner or operator keeps the following records:
    - (A) Records documenting the date when the baghouse redirected indoors or to the atmosphere.
    - (B) Quarterly inspection reports when vented to the atmosphere.
    - (C) Visible observation reports.
    - (D) Records of corrective actions.
- (g) The requirement to submit the five hundred dollar (\$500) application fee shall not apply to a source that has been issued an operating agreement under this section.

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis.

olis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-4; filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1060; errata filed May 12, 1999, 11:23 a.m.: 22 IR 3108; filed May 21, 2002, 10:20 a.m.: 25 IR 3075; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 803*)

SECTION 20. 326 IAC 2-9-5 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-5 Abrasive cleaning operations**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 5. Any industrial or commercial source of abrasive cleaning operations may elect to be subject to this section by complying with the requirements of section 1 of this rule and the following:

- (1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
- (2) All abrasive cleaning operations shall be totally enclosed.
- (3) Emissions of particulate matter shall not exceed one-hundredth (0.01) grain per actual cubic foot per minute.
- (4) Air flow shall not exceed forty thousand (40,000) actual cubic feet per minute.
- (5) The source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

(*Air Pollution Control Board; 326 IAC 2-9-5; filed May 7, 1997, 4:00 p.m.: 20 IR 2306; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 805*)

SECTION 21. 326 IAC 2-9-6 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-6 Grain elevators**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 6. Any grain elevator subject to 326 IAC 2-6.1, 326 IAC 2-7, and 326 IAC 2-8 may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

- (1) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).
- (2) Grain elevators with storage capacity less than or equal to one million (1,000,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following:
  - (A) Grain elevators shall not receive or ship more than three million (3,000,000) U.S. bushels of grain annually.
  - (B) Each source shall maintain records of the type and amount of grain received and shipped on an annual basis.
- (3) Grain elevators with storage capacity greater than one million (1,000,000) U.S. bushels of grain but no more than

two million five hundred thousand (2,500,000) U.S. bushels that contain receiving, shipping, or grain storage facilities; headhouse, gallery belt, or tripper belt operations; or grain cleaning or grain drying equipment shall comply with the following provisions:

- (A) Grain elevators shall not receive or ship more than ten million (10,000,000) U.S. bushels of grain annually.
- (B) Each source shall limit particulate matter emissions through the application of mineral oil or soybean oil to all grain after it is received at an application rate of three-hundredths percent (0.03%) by weight or greater.
- (C) Each source shall maintain the following records on a monthly basis:
  - (i) Type and amount of grain received and shipped.
  - (ii) Amount of mineral oil or soybean oil used and the rate of application.
  - (iii) Purchase orders and invoices for mineral oil or soybean oil.

(*Air Pollution Control Board; 326 IAC 2-9-6; filed May 7, 1997, 4:00 p.m.: 20 IR 2306; filed Nov 25, 1998, 12:13 p.m.: 22 IR 1062; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 805*)

SECTION 22. 326 IAC 2-9-7, AS AMENDED AT 28 IR 23, SECTION 11, IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-7 Sand and gravel plants**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 7. (a) The following definitions apply throughout this section:

- (1) "Annual throughput" means the amount of material that is being processed through the plant on a calendar year basis.
- (2) "Sand and gravel" means any unconsolidated mixture of fine or coarse aggregate, or both, found in and processed from a natural deposit.
- (3) "Surfactant" means any chemical additive that reduces the surface tension of water.
- (4) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:
  - (A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or
  - (B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

- (5) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any sand and gravel plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under

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subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most five (5) crushers, ten (10) screens, and a conveying operation shall limit the annual throughput to less than four hundred ten thousand (410,000) tons per year.

(2) Sand and gravel plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, excluding fugitive particulate emissions utilizing at most nine (9) crushers, twenty (20) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

(3) Sand and gravel plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most twelve (12) crushers, twenty-four (24) screens, and a conveying operation shall limit the annual throughput to less than three million one hundred thousand (3,100,000) tons per year.

(4) Sand and gravel plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) A wet process or continuous wet suppressions shall be used.

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9\*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis, such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet

from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a sand and gravel plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located pursuant to 326 IAC 6-4.

(H) The source shall comply with 40 CFR 60.670, Standards of Performance for Nonmetallic Mineral Processing Plants\*, if applicable.

(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-7; filed May 7, 1997, 4:00 p.m.: 20 IR 2307; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 23; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 805*)

SECTION 23. 326 IAC 2-9-8, AS AMENDED AT 28 IR 25, SECTION 12, IS READOPTED TO READ AS FOLLOWS:

### 326 IAC 2-9-8 Crushed stone processing plants

Authority: IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

Affected: IC 13-15; IC 13-17

Sec. 8. (a) The following definitions apply throughout this section:

(1) "Annual throughput" means the amount of material that is being processed through the plant in a calendar year.

(2) "Crushed stone" means any composition of limestone, granite, traprock, or any other hard, sound rock that is produced by blasting and then crushing.

(3) "Wet process in a pit and quarry operation" means the operation in which the aggregate deposit being processed has:

(A) been mined from beneath bodies of water, such as rivers, estuaries, lakes, or oceans; or

(B) a free moisture content of one and five-tenths percent (1.5%) by weight or greater.

The aggregate infeed that undergoes such process shall maintain a minimum of one and five-tenths percent (1.5%) by weight throughout the production process.

(4) "Wet suppression systems" means dust control devices in a pit and quarry operation that use a pressurized liquid, either water or water with a small amount of surfactant, for the controlled reduction or elimination of airborne dust or the suppression of such dust at its source.

(b) Any crushed stone processing plant may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions, outlined under subdivisions (1) through (4), as applicable, and subdivision (5):

(1) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons per year, including fugitive particulate emissions, utilizing at most four (4) crushers, seven (7) screens, and a conveying operation shall limit the annual throughput to less than four hundred thousand (400,000) tons per year.

(2) Crushed stone processing plants that do not emit particulate matter in excess of or equal to twenty-five (25) tons, excluding fugitive particulate emissions, utilizing at most six (6) crushers, thirteen (13) screens, and a conveying operation shall limit the annual throughput to less than one million (1,000,000) tons per year.

(3) Crushed stone processing plants that do not emit particulate matter in excess of or equal to one hundred (100) tons per year, excluding fugitive particulate emissions, utilizing at most nine (9) crushers, seventeen (17) screens, and a conveying operation shall comply with the following provisions:

(A) The annual throughput shall not exceed three million (3,000,000) tons per year.

(B) Each source under this subdivision shall pay an annual fee of eight hundred dollars (\$800).

(4) Crushed stone processing plants that meet the specific restrictions and conditions in subdivision (1), (2), or (3) shall also comply with the following provisions:

(A) Each source described by subdivisions (1) through (2) shall maintain annual throughput records at the site on a calendar year basis.

(B) Each source described by subdivision (3) shall maintain at the site throughput records for the previous twelve (12) months on a monthly rolling total.

(C) The crushing, screening, and conveying operations shall be equipped with dust collectors, unless a wet process or continuous wet suppression system is used, to comply with clause (E).

(D) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained at all times of plant operation in such a manner as to meet the requirements of this rule.

(E) Visible emissions from the screening and conveying operations shall not exceed an average of ten percent (10%) opacity in twenty-four (24) consecutive readings in a six (6) minute period, and visible emissions from the crushing operation shall not exceed an average of fifteen percent (15%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with these limitations shall be determined by 40 CFR 60, Appendix A, Method 9\*.

(F) Fugitive particulate emissions shall be controlled by applying water on storage piles and unpaved roadways on an as needed basis such that the following visible emission conditions are met:

(i) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(ii) Visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

(AA) The first shall be taken at the time of emission generation.

(BB) The second shall be taken five (5) seconds after the first.

(CC) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(G) Fugitive particulate emissions at a crushed stone plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(H) The source shall comply with 40 CFR 60.670, Standards of Performance for Nonmetallic Mineral Processing Plants\*, if applicable.

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(5) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-8; filed May 7, 1997, 4:00 p.m.: 20 IR 2308; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 25; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 806*)

SECTION 24. 326 IAC 2-9-9, AS AMENDED AT 28 IR 26, SECTION 13, IS READOPTED TO READ AS FOLLOWS:

### 326 IAC 2-9-9 Ready-mix concrete batch plants

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 9. (a) The following definitions apply throughout this section:

- (1) "Aggregate" means any combination of sand, gravel, and crushed stone in their natural or processed state.
- (2) "Aggregate transfer" means the transfer of material:
  - (A) from process equipment onto the ground;
  - (B) from the ground into hauling equipment;
  - (C) from hauling equipment onto a storage pile;
  - (D) from a storage pile into hauling equipment for transport; or
  - (E) into an initial hopper for further process.
- (3) "Cement" means a powdered substance manufactured from calcined carbonate rock (burned lime) and clay that, when mixed with water, forms a cohesive and adhesive material that will harden into a rigid mass.
- (4) "Concrete" means a construction material consisting of a coarse and fine aggregate bound by a paste of cement and water, which then sets into a hard and compact substance.
- (5) "Ready-mix concrete batch plant" means a facility that prepares and distributes made-to-order batches of concrete in bulk or package form.

(b) Any ready-mix concrete batch plant with actual annual emissions of particulate matter (PM) less than twenty-five (25) tons per year, including fugitive particulate emissions, may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

- (1) Production shall be limited to three hundred thousand (300,000) cubic yards annually.
- (2) Each source shall maintain records of annual production at the site on a calendar year basis.
- (3) Fugitive particulate emissions from cement and aggregate silos shall be controlled by operating dust collectors, such that

visible emissions do not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. Compliance with this limitation shall be determined by 40 CFR 60, Appendix A, Method 9\*.

(4) Fugitive particulate emissions shall be controlled by applying water on aggregate storage piles, unpaved roadways, and aggregate transfer operations on an as needed basis such that the following visible emission conditions are met:

(A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*, except that the opacity shall be observed at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(B) Visible emissions from unpaved roads shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (i) The first shall be taken at the time of emission generation.
- (ii) The second shall be taken five (5) seconds after the first.
- (iii) The third shall be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from aggregate transferring operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.

- (5) All manufacturing equipment that generates particulate emissions and control devices shall be operated and maintained in such a manner as to meet the requirements of this rule.
- (6) Cement transferring operations shall always be enclosed.
- (7) Each source shall maintain records on the types of air pollution control devices used at the source and the operation and maintenance manuals for those devices.

- (8) Fugitive particulate emissions at a ready-mix concrete batch plant shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.
- (9) Request a source specific operating agreement under this section, which shall be accompanied by a one-time application fee of five hundred dollars (\$500).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-9; filed May 7, 1997, 4:00 p.m.: 20 IR 2309; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 26; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 808*)

SECTION 25. 326 IAC 2-9-10, AS AMENDED AT 28 IR 27, SECTION 14, IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-10 Coal mines and coal preparation plants**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 10. (a) The following definitions apply throughout this section:

- (1) "Coal" means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-88\*.
- (2) "Coal mine" means an individual excavation site from which coal is removed by surface or underground mining operations.
- (3) "Coal preparation plant" means any facility (excluding underground and surface mining operations) that prepares coal by one (1) or more of the following processes:
  - (A) Breaking.
  - (B) Crushing.
  - (C) Screening.
  - (D) Wet or dry cleaning.
  - (E) Thermal drying.
- (4) "Coal processing and conveying equipment" means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, the following:
  - (A) Breakers.
  - (B) Crushers.
  - (C) Screens.
  - (D) Conveyor belts.
- (5) "Collocated source" means any coal preparation facility and coal mine that are:
  - (A) located on one (1) piece of property or on contiguous or adjacent properties; and

- (B) which are owned or operated by the same person (or by persons under common control).
- (6) "Material transfer" means the transfer of material:
  - (A) from process equipment onto the ground;
  - (B) from the ground into hauling equipment;
  - (C) from hauling equipment onto a storage pile;
  - (D) from a storage pile into hauling equipment for transport; or
  - (E) into an initial hopper for further processing.
- (7) "Refuse" means the portion of mined coal which is rejected by the preparation plant as unsalable.
- (8) "Thermal dryer" means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream that is exhausted to the air.

(b) Any coal preparation plant, coal mine, or collocated source may elect to be subject to this section by complying with the requirements of section 1 of this rule and meeting the following conditions:

- (1) Coal preparation plants that do not utilize thermal dryers or pneumatic coal cleaning equipment and do not emit particulate matter less than ten microns (PM<sub>10</sub>) in excess of or equal to one hundred (100) tons per year, including fugitive particulate emissions, shall limit the total annual tons of coal shipped to less than five million (5,000,000) tons per year and must comply with the following:
  - (A) Each coal preparation plant shall maintain at the site total annual throughput records for the previous twelve (12) months on a monthly rolling total, and records shall be kept for a minimum of five (5) years.
  - (B) The screening, crushing, and conveying operations at a coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9\*\*.
- (2) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source from open storage piles, unpaved roadways, or batch transfer operations shall be controlled by applying water or other approved dust suppressant on an as needed basis such that the following visible emission conditions are met:
  - (A) Visible emissions from storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*\*, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (¼) mile, from the plume and at approximately right angles to the plume.
  - (B) Visible emissions from unpaved roads shall not exceed

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an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:

- (i) The first will be taken at the time of emission generation.
- (ii) The second will be taken five (5) seconds after the first.
- (iii) The third will be taken five (5) seconds after the second or ten (10) seconds after the first.

The three (3) readings shall be taken at approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(C) Visible emissions from material transfer operations shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(3) All visible emission readings shall be performed by a qualified observer as defined in 326 IAC 1-2-62.

(4) Fugitive particulate emissions at a coal preparation plant, coal mine, or collocated source shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

(5) The annual notice required by section 1(d) of this rule shall also include the legal description of the source's location.

(6) Each coal preparation plant, coal mine, or collocated source shall pay a one-time application fee of five hundred dollars (\$500) and an annual fee of six hundred dollars (\$600).

\*This document is incorporated by reference. Copies are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

\*\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-10; filed May 7, 1997, 4:00 p.m.: 20 IR 2310; errata filed Dec*

*12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 27; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 809)*

SECTION 26. 326 IAC 2-9-11 IS READOPTED TO READ AS FOLLOWS:

### **326 IAC 2-9-11 Automobile refinishing operations**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11

**Affected:** IC 13-15; IC 13-17

Sec. 11. (a) The following definitions apply throughout this section:

- (1) "Automobile refinishing" is defined at 326 IAC 8-10-2(5).
- (2) "Solvent containing material" means any product used in automobile refinishing operations that contains volatile organic compounds (VOC) or hazardous air pollutants (HAP), including, but not limited to, the following:

- (A) Pretreatment wash primers.
- (B) Precoats.
- (C) Primers.
- (D) Primer surfacers.
- (E) Primer sealers.
- (F) Topcoats.
- (G) Specialty coatings.
- (H) Surface preparation products.
- (I) Gun cleaning solutions.
- (J) Paint removers.
- (K) Degreasing solvents.
- (L) Hardeners.
- (M) Catalysts.
- (N) Reducers.
- (O) Other additives.

(b) An owner or operator of an automobile refinishing shop may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

- (1) The requirements of 326 IAC 8-10, if applicable.
- (2) One (1) of the following:
  - (A) The total amount of all solvent containing material delivered to the automobile refinishing shop, less the amount of solvent containing material quantified by manifest as having been shipped off-site, shall not exceed two thousand (2,000) gallons annually.
  - (B) The total amount of all solvent containing material delivered to the automobile refinishing shop that meets the VOC limits of 326 IAC 8-10-4(b), less the amount of solvent containing material quantified by manifest as having been shipped off-site, shall not exceed three thousand (3,000) gallons annually.
  - (C) The total amount of VOC delivered to the automobile refinishing shop, less the amount of VOC that is quantified by manifest as having been shipped off-site, shall not exceed one (1) ton per month.
- (3) For automobile refinishing shops electing to comply with subdivision (2)(A) or (2)(B), usage shall be determined based on either:

- (A) actual use records; or
- (B) purchase records.

(4) Particulate matter emissions shall be controlled by a dry particulate filter or an equivalent control device. The source shall operate the particulate control device in accordance with the manufacturer's specifications. A source shall be considered in compliance with this requirement provided that the overspray is not visibly detectable at the exhaust or accumulated on the rooftops or on the ground.

(5) Request a source specific operating agreement under this section of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).

(c) An owner or operator of an automobile refinishing shop that has been issued an operating agreement under this section shall keep the following records at the source:

(1) For automobile refinishing shops complying with subsection (b)(2)(A), the following records shall be kept:

- (A) Purchase or use records of solvent containing materials.
- (B) An annual summation on a calendar year basis of purchase or use records for all solvent containing materials.
- (C) Amount of waste solvent containing material manifested off-site.

(2) For automobile refinishing shops complying with subsection (b)(2)(B), the records required under subdivision (1) and the records required under 326 IAC 8-10-9(a) shall be kept.

(3) For automobile refinishing shops complying with subsection (b)(2)(C), the following records shall be kept:

- (A) Purchase orders and invoices for each solvent containing material.
- (B) Number of gallons of each solvent containing material used.
- (C) VOC content (pounds/gallon) of each solvent containing material used.
- (D) Amount of waste VOC manifested off-site.
- (E) Summation on a monthly basis of emissions of VOC.

*(Air Pollution Control Board; 326 IAC 2-9-11; filed May 7, 1997, 4:00 p.m.: 20 IR 2312; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 810)*

SECTION 27. 326 IAC 2-9-12 IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-12 Degreasing operations**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 12. (a) An owner or operator of a degreasing operation may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

- (1) Request a source specific operating agreement under this section of the rule, which shall be accompanied by a fee of five hundred dollars (\$500).
- (2) The requirements of 326 IAC 8-3 and 326 IAC 20-6, if applicable.
- (3) The total amount of VOC and HAP delivered to

degreasing operations at the source, less the amount of VOC and HAP that is quantified by manifest as having been shipped off-site, on an annual rolling average basis as follows:

(A) The total amount of any single HAP from degreasing operations shall not exceed eight hundred thirty-three (833) pounds per month.

(B) The total amount of any combination of HAP from degreasing operations shall not exceed one (1) ton per month.

(C) The total amount of VOC from degreasing operations at sources located in Lake and Porter Counties shall not exceed one (1) ton per month.

(D) The total amount of VOC from degreasing operations at sources located outside of Lake and Porter Counties shall not exceed two (2) tons per month.

(b) An owner or operator of a degreasing operation that has been issued an operating agreement under this section shall keep the following records at the source:

- (1) Purchase records for all degreasing solvents.
- (2) Material safety data sheets (MSDS) for all degreasing solvents.
- (3) Amount of waste degreasing solvent manifested off-site.
- (4) Monthly summation of VOC and HAP emissions for all degreasing solvents.

*(Air Pollution Control Board; 326 IAC 2-9-12; filed May 7, 1997, 4:00 p.m.: 20 IR 2313; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 811)*

SECTION 28. 326 IAC 2-9-13, AS AMENDED AT 28 IR 28, SECTION 15, IS READOPTED TO READ AS FOLLOWS:

**326 IAC 2-9-13 External combustion sources**

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 13. (a) The following definitions apply throughout this section:

- (1) "Boiler" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water above the boiling point for water at the operating pressure.
- (2) "Dryer" means a device that uses the heat generated from combustion of a fuel or electrical resistance to drive off volatile compounds by evaporation from materials processed in such a device.
- (3) "Oven" means a device that uses the heat generated from combustion of a fuel or electrical resistance to cause or expedite a chemical curing process or drive off volatile compounds from material processed in such a device.
- (4) "Process heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat a material so as to augment or expedite its processing.
- (5) "Space heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to heat the air inside a building or otherwise provide comfort heating.

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(6) "Water heater" means a device that uses the heat generated from combustion of a fuel or electrical resistance to raise the temperature of water below the boiling point for water at the operating pressure.

(b) Any external combustion source, including any combination of boilers, space heaters, ovens, dryers, or water heaters may elect to comply with this section by complying with the requirements of section 1 of this rule and the following conditions:

(1) Visible emissions from the source shall not exceed twenty percent (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9\*.

(2) One (1) of the following:

(A) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 1 for a single fuel or a combination of two (2) fuels.

(B) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (g), Table 2 for a single fuel or a combination of two (2) fuels.

(c) Sources electing to comply with subsection (b)(2)(A) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(d) Sources electing to comply with subsection (b)(2)(B) must comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-time application fee of five hundred dollars (\$500).

(e) For sources complying with subsection (b)(2)(B), the following records shall be kept at the source:

- (1) Hours operated for each combustion unit.
- (2) Records of annual fuel usage for each combustion unit.
- (3) Routine maintenance records.

(f) Table 1 limits shall be as follows:

TABLE 1

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,000.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	714.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	181.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,408.0 kgals
Fuel oil #5 and #6 (distillate)	181.0 kgals
Liquified petroleum gas (LPG)	5,263.0 MMCF
Coal (bituminous and subbituminous)	786.0 tons
Bark-only	5,882.0 tons
Wood-only	7,352.0 tons
Wood and bark	7,352.0 tons
Dual Fuel <sup>1</sup>	
Natural gas	976.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	697.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	177.0 MMCF
Fuel oil #1 and #2 (distillate)	117.0 kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	83.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals
Natural gas	59.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,407.0 kgals

Natural gas	15.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	1,291.0 kgals
Fuel oil #5 and #6 (residual)	15.0 kgals
Coal (bituminous and subbituminous)	786.0 tons
Bark, wood, or wood and bark	490.0 tons
Bark, wood, or wood and bark	5,858.0 tons
Coal (bituminous and subbituminous)	65.0 tons
<sup>1</sup> Top fuel is intended to be the primary fuel, the bottom fuel is the secondary fuel.)	
Unit abbreviations:	
kgals = 10 <sup>3</sup> gallons	
MMCF = 10 <sup>6</sup> cubic feet	

(g) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per year
Single Fuel	
Natural gas	1,600.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,142.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	290.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate)	2,253.0 kgals
Fuel oil #5 and #6 (residual)	291.0 kgals
Liquified petroleum gas (LPG)	8,421.0 MMCF
Coal (bituminous and subbituminous)	1,258.0 tons
Bark-only	9,411.0 tons
Wood-only	11,764.0 tons
Wood/bark	11,764.0 tons
Dual Fuel <sup>1</sup>	
Natural gas	1,562.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: 0.3 to <10 MMBtu/hr	
Natural gas	1,115.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: 10 to 100 MMBtu/hr	
Natural gas	284.0 MMCF
Fuel oil #1 and #2 (distillate)	187.0 kgals
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	133.0 MMCF
Maximum capacity: 0.3 to <10 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	95.0 MMCF
Maximum capacity: 10 to 100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,252.0 kgals
Natural gas	24.0 MMCF
Maximum capacity: >100 MMBtu/hr	
Fuel oil #1 and #2 (distillate fuel)	2,065.0 kgals
Fuel oil #5 and #6 (residual)	24.0 kgals
Coal (bituminous and subbituminous)	1,258.0 tons
Bark, wood, or wood and bark	784.0 tons
Bark, wood, or wood and bark	9,373.0 tons

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Coal (bituminous and subbituminous) 104.0 tons  
 (¹Top fuel is intended to be the primary fuel; the bottom fuel is the secondary fuel.)  
 Unit abbreviations:  
 kgals = 10³ gallons  
 MMCF = 10⁶ cubic feet

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 2-9-13; filed May 7, 1997, 4:00 p.m.: 20 IR 2313; errata filed Dec 12, 2002, 3:35 p.m.: 26 IR 1566; filed Aug 26, 2004, 11:30 a.m.: 28 IR 28; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 811*)

SECTION 29. 326 IAC 2-9-14 IS READOPTED TO READ AS FOLLOWS:

### 326 IAC 2-9-14 Internal combustion sources

**Authority:** IC 13-14-8; IC 13-15-2; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 14. (a) Any stationary internal combustion source, including any combination of turbines, reciprocating engines, or engines, may elect to comply with this section by complying with section 1 of this rule and one (1) of the following:

(1) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (e), Table 1 for a single fuel or a combination of two (2) fuels.

(2) Limiting fuel usage for every twelve (12) month period to less than the limits found in subsection (f), Table 2 for a single fuel or a combination of two (2) fuels.

(b) Sources electing to comply with subsection (a)(1) must be able to demonstrate compliance no later than thirty (30) days after receipt of a written request by the department or U.S. EPA. No other demonstration of compliance shall be required. A source specific operating agreement is not required for these sources.

(c) Sources electing to comply with subsection (a)(2) must comply with the requirements of section 1 of this rule and submit a request for a source specific operating agreement accompanied by a one-time application fee of five hundred dollars (\$500).

(d) For sources complying with subsection (a)(2), the following records shall be kept at the source:

- (1) Hours operated for each combustion unit.
- (2) Records of annual fuel usage for each combustion unit.
- (3) Routine maintenance records.

(e) Table 1 limits shall be as follows:

TABLE 1

Fuel	Maximum Fuel Usage per Year
Large turbine	
Natural gas	227.27 MMCF/yr
Distillate	1,414.42 kgal/yr
Uncontrolled natural gas prime movers	
Gas turbines	294.11 MMCF/yr
2-cycle lean burn	37.03 MMCF/yr
4-cycle lean burn	31.25 MMCF/yr
4-cycle rich burn	43.47 MMCF/yr
Diesel, reciprocating	
<600 HP	165.51 kgal/yr
Gasoline, reciprocating	
<250 HP	12.26 kgal/yr
Diesel, large stationary	235.45 kgal/yr
Unit abbreviations:	
kgal = 10³ gallons	
MMCF = 10⁶ cubic feet	

(f) Table 2 limits shall be as follows:

TABLE 2

Fuel	Maximum Fuel Usage per Year
Large turbine	
Natural gas	363.63 MMCF/yr
Distillate	2,263.07 kgal/yr
Uncontrolled natural gas prime movers	
Gas turbines	470.58 MMCF/yr
2-cycle lean burn	59.25 MMCF/yr
4-cycle lean burn	50.00 MMCF/yr
4-cycle rich burn	69.56 MMCF/yr
Diesel, reciprocating	
<600 HP	264.82 kgal/yr
Gasoline, reciprocating	
<250 HP	19.62 kgal/yr
Diesel, large stationary	376.72 kgal/yr
Unit abbreviations:	
kgal = 10 <sup>3</sup> gallons	
MMCF = 10 <sup>6</sup> cubic feet	

*(Air Pollution Control Board; 326 IAC 2-9-14; filed May 7, 1997, 4:00 p.m.: 20 IR 2315; readopted filed Oct 22, 2004, 10:35 a.m.: 28 IR 814)*

*LSA Document #04-44(F)*

*Proposed Rule Published: July 1, 2004; 27 IR 3143*

*Hearing Held: September 1, 2004*

*Approved by Attorney General: October 8, 2004*

*Approved by Governor: October 21, 2004*

*Filed with Secretary of State: October 22, 2004, 10:35 a.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

**405 IAC 1-1.5-1 Scope**

**Authority:** IC 12-15-21

**Affected:** IC 4-21.5-3

Sec. 1. (a) This rule governs the procedures for appeals to the office of Medicaid policy and planning (office) involving actions or determinations of reimbursement for all Medicaid providers.

(b) This rule governs the procedures for appeals to the office from the following actions or determinations:

- (1) Setting rates of reimbursement.
- (2) Any action based upon a final audit.
- (3) Determination of change of provider status for purposes of setting a rate of reimbursement.
- (4) Determination by the office that an overpayment to a provider has been made due to a year-end cost settlement.
- (5) Any other determination by the office that a provider has been paid more than it was entitled to receive under any federal or state statute or regulation.
- (6) The office's refusal to enter into a provider agreement.
- (7) The office's suspension, termination, or refusal to renew an existing provider agreement.

(c) Notwithstanding subsections (a) and (b), this rule does not govern determinations by the office or its contractor with respect to the authorization or approval of Medicaid services requested by a provider on behalf of a recipient.

**(d) Disputes relating to claims submitted to a managed care organization (MCO) by providers who are not under contract to the MCO, and who provide services to recipients in the risk-based managed care program are governed by 405 IAC 1-1.6. (Office of the Secretary of Family and Social**

**TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES**

LSA Document #04-142(F)

DIGEST

Amends 405 IAC 1-1.5-1 to specify that disputes related to claims submitted to Medicaid managed care organizations by Medicaid providers who do not have a contract with the managed care organization are governed by 405 IAC 1-1.6. Adds 405 IAC 1-1.6 to set out the dispute resolution process for disputes related to claims submitted to Medicaid managed care organizations by Medicaid providers who do not have a contract with the managed care organization. Effective 30 days after filing with the secretary of state.

**405 IAC 1-1.5-1**

**405 IAC 1-1.6**

SECTION 1. 405 IAC 1-1.5-1 IS AMENDED TO READ AS FOLLOWS:

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*Services; 405 IAC 1-1.5-1; filed Oct 31, 1994, 3:30 p.m.: 18 IR 862; readopted filed Jun 27, 2001, 9:40 a.m.: 24 IR 3822; filed Nov 10, 2004, 3:15 p.m.: 28 IR 815; errata filed Nov 15, 2004, 10:20 a.m.: 28 IR 970)*

SECTION 2. 405 IAC 1-1.6 IS ADDED TO READ AS FOLLOWS:

### **Rule 1.6. Managed Care Provider Reimbursement Dispute Resolution**

#### **405 IAC 1-1.6-1 Scope**

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3  
Affected: IC 12-15

**Sec. 1. (a) This rule applies to disputes relating to claims submitted to risk-based managed care organizations (MCOs) contracted with the office of Medicaid policy and planning (office) by providers who are not contracted with the MCO, and who provide services to a Medicaid recipient enrolled in a risk-based managed care plan.**

**(b) This rule governs the procedures for a provider's objection to a determination by the MCO involving the provider's claim, including a provider's objection to:**

- (1) any determination by the MCO regarding payment for a claim submitted by the provider, including the amount of such payment; or**
- (2) the MCO's determination that a claim submitted by the provider lacks sufficient supporting information, records, or other materials.**

**(c) The procedures in this rule may, at the election of a provider, be utilized to determine the payment due for a claim in the event the MCO fails, within thirty (30) days after the provider submits the claim, to notify the provider of its determination:**

- (1) regarding payment for the provider's claim; or**
- (2) that the provider's claim lacked sufficient supporting information, records, or other materials.**

*(Office of the Secretary of Family and Social Services; 405 IAC 1-1.6-1; filed Nov 10, 2004, 3:15 p.m.: 28 IR 816)*

#### **405 IAC 1-1.6-2 Informal objection**

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3  
Affected: IC 12-15

**Sec. 2. (a) The provider may make verbal inquiries at any time to resolve a claim matter. Before the provider may submit a formal claim appeal under section 3 of this rule, the provider shall attempt to informally resolve the matter as described in this section.**

**(b) The informal dispute process shall be commenced by a provider submitting a written objection to the MCO, within the following time limits:**

- (1) If the provider disagrees with the MCO's determination regarding the provider's claim, the informal process**

**must be commenced within sixty (60) days after the provider's receipt of written notification of the MCO's determination.**

**(2) If the MCO fails to make a determination within thirty (30) days of the date the claim was submitted, the informal process must be commenced within ninety (90) days of the date the claim was submitted to the MCO.**

*(Office of the Secretary of Family and Social Services; 405 IAC 1-1.6-2; filed Nov 10, 2004, 3:15 p.m.: 28 IR 816; errata filed Nov 15, 2004, 10:20 a.m.: 28 IR 970)*

#### **405 IAC 1-1.6-3 Formal appeal to managed care organization**

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3  
Affected: IC 12-15

**Sec. 3. (a) In the event the matter is not resolved to the provider's satisfaction within thirty (30) days after the provider commenced the informal process set out in section 2 of this rule, the provider shall have sixty (60) days after the end of the thirty (30) day period to submit a formal appeal notice to the MCO.**

**(b) The provider's claim appeal notice must be in writing and specify the basis of the provider's dispute with the MCO.**

**(c) The formal claim appeal procedure is commenced by the MCO's receipt of the provider's written claim appeal notice. The appeal review is conducted by a panel of one (1) or more individuals selected by the MCO. The panel shall:**

- (1) be knowledgeable about the policy, legal, and clinical issues involved in the matter subject to the appeal;**
- (2) not include an individual who has been involved in any previous consideration of the matter; and**
- (3) consider all information and material submitted to it by the provider that bears directly upon an issue involved in the matter.**

**(d) The MCO shall allow the provider an opportunity to appear in person before the panel or to communicate with the panel through appropriate other means if the provider is unable to appear in person.**

**(e) The provider may be represented by an attorney or other representative during the formal claim appeal procedure.**

**(f) The MCO's medical director, or other licensed physician designated by the medical director, shall serve as a consultant to the panel in the event the matter involves a question of medical necessity or medical appropriateness.**

**(g) The panel shall make a written determination of the matter that is the subject of the provider's appeal. The panel's written determination of the matter shall:**

- (1) be the MCO's final position in regard to the matter;**

(2) include, as applicable, a detailed explanation of the factual, legal, policy, and clinical basis of the panel's determination; and

(3) include notice to the provider of the provider's right to submit to binding arbitration, or other binding resolution procedure to which the MCO and provider mutually agree, the matter that was the subject of the formal claim resolution procedure.

(h) The panel's written determination shall be issued to the provider within forty-five (45) days after the commencement of the formal claim appeal process. In the event the panel fails to issue the panel's written determination within forty-five (45) days after the commencement of the formal claim appeal process, the failure on the part of the panel shall have the effect of an approval by the panel of the provider's claim. (Office of the Secretary of Family and Social Services; 405 IAC 1-1.6-3; filed Nov 10, 2004, 3:15 p.m.: 28 IR 816)

405 IAC 1-1.6-4 Arbitration

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-15; IC 34-57-2

Sec. 4. (a) If the provider is dissatisfied with the decision of the MCO panel, the provider may submit the matter to binding arbitration. The binding arbitration process must be conducted in accordance with the rules and regulations of the American Health Lawyers Association (AHLA), pursuant to the Uniform Arbitration Act as adopted in the state of Indiana at IC 34-57-2, unless:

- (1) the provider and MCO mutually agree to some other binding resolution procedure; or
(2) the MCO or providers are subject to statutorily imposed arbitration procedures for the resolution of these claims. In that case, the statutorily imposed arbitration procedures shall be followed.

(b) The arbitration process may include, in a single arbitration proceeding, matters from multiple formal claim resolution procedures involving the MCO and the provider.

(c) The fees and expenses of arbitration or other binding resolution procedure shall be borne by the nonprevailing party. (Office of the Secretary of Family and Social Services; 405 IAC 1-1.6-4; filed Nov 10, 2004, 3:15 p.m.: 28 IR 817)

405 IAC 1-1.6-5 Supporting documentation for claims; final determination

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-15

Sec. 5. (a) A claim that is finally determined through the claim resolution procedure not to lack sufficient supporting documentation shall be processed by the MCO within thirty (30) days after such final determination.

(b) If it is finally determined that a claim lacks sufficient

supporting documentation, the provider shall have thirty (30) days after receipt of written notice of the final determination to submit the requisite supporting documentation. The claim shall be processed by the MCO within thirty (30) days after the provider submits to the MCO the required supporting documentation. (Office of the Secretary of Family and Social Services; 405 IAC 1-1.6-5; filed Nov 10, 2004, 3:15 p.m.: 28 IR 817)

405 IAC 1-1.6-6 Record keeping and reporting requirements

Authority: IC 12-8-6-5; IC 12-15-1-10; IC 12-15-21-2; IC 12-15-21-3
Affected: IC 12-15

Sec. 6. The MCO shall maintain a log of all written informal provider objections to determinations and formal provider appeals involving claims. The logged information shall include the:

- (1) provider's name;
(2) date of objection;
(3) nature of the objection; and
(4) disposition.

The MCO shall submit quarterly reports to the office regarding the number and type of provider objections and appeals. (Office of the Secretary of Family and Social Services; 405 IAC 1-1.6-6; filed Nov 10, 2004, 3:15 p.m.: 28 IR 817)

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Proposed Rule Published: August 1, 2004; 27 IR 3698
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Filed with Secretary of State: November 10, 2004, 3:15 p.m.
IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None

TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #03-276(F)

DIGEST

Amends 410 IAC 6-12 regarding requirements for plan review and construction permits and adds fees for plan review. Repeals 410 IAC 6-12-2, 410 IAC 6-12-5, 410 IAC 6-12-6, and 410 IAC 6-12-15. Effective 30 days after filing with the secretary of state.

- 410 IAC 6-12-0.5
410 IAC 6-12-1
410 IAC 6-12-2
410 IAC 6-12-3
410 IAC 6-12-3.1
410 IAC 6-12-3.2
410 IAC 6-12-4
410 IAC 6-12-5
410 IAC 6-12-6
410 IAC 6-12-7
410 IAC 6-12-8
410 IAC 6-12-9

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410 IAC 6-12-10  
410 IAC 6-12-11  
410 IAC 6-12-12  
410 IAC 6-12-13

410 IAC 6-12-14  
410 IAC 6-12-15  
410 IAC 6-12-17

SECTION 1. 410 IAC 6-12-0.5 IS ADDED TO READ AS FOLLOWS:

### 410 IAC 6-12-0.5 Applicability

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-19-5-1  
Affected: IC 16-19

**Sec. 0.5. The definitions in this rule apply throughout this rule.** (*Indiana State Department of Health; 410 IAC 6-12-0.5; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818*)

SECTION 2. 410 IAC 6-12-1 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-1 "Absorption field" defined

Authority: IC 16-19-3-4; IC 16-19-3-5; IC 16-19-5-1  
Affected: IC 16-19

Sec. 1. ~~As used in this rule,~~ "Absorption field" means a:  
(1) system of open-jointed tiles or perforated pipes laid in a soil;  
(2) series of trenches; or a  
(3) bed of sand, gravel, and soil;  
into which the effluent from a septic tank **or other sewage treatment devices** is pumped or flows by gravity for absorption into the soil. (*Indiana State Department of Health; 410 IAC 6-12-1; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2219; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818*)

SECTION 3. 410 IAC 6-12-3 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-3 "Commissioner" defined

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 3. ~~As used in this rule,~~ "Commissioner" means the commissioner of the ~~state board of health department~~ **or his or her** duly authorized representative. (*Indiana State Department of Health; 410 IAC 6-12-3; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2219; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818*)

SECTION 4. 410 IAC 6-12-3.1 IS ADDED TO READ AS FOLLOWS:

### 410 IAC 6-12-3.1 "Community wastewater disposal facility" defined

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

**Sec. 3.1. "Community wastewater disposal facility" means a commercial on-site wastewater disposal facility that will**

**serve two (2) or more properties.** (*Indiana State Department of Health; 410 IAC 6-12-3.1; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818*)

SECTION 5. 410 IAC 6-12-3.2 IS ADDED TO READ AS FOLLOWS:

### 410 IAC 6-12-3.2 "Department" defined

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

**Sec. 3.2. "Department" means the Indiana state department of health or its authorized representative.** (*Indiana State Department of Health; 410 IAC 6-12-3.2; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818*)

SECTION 6. 410 IAC 6-12-4 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-4 "Person" defined

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 4. ~~As used in this rule,~~ "Person" means **any of the following:**

- (1) An individual.
- (2) A partnership.
- (3) A copartnership.
- (4) A corporation.
- (5) A firm.
- (6) A company.
- (7) An association.
- (8) A society.
- (9) A holding company.
- (10) A trustee.
- (11) A school corporation.
- (12) A school city.
- (13) A school town.
- (14) A school district.
- (15) Any unit of government. ~~or~~
- (16) Any other legal entity, its or their successors or assigns, or agent of the aforesaid.

(*Indiana State Department of Health; 410 IAC 6-12-4; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818*)

SECTION 7. 410 IAC 6-12-7 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-7 Permit requirement

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 12-17.2; IC 16-19; IC 16-41

Sec. 7. No person shall cause or allow the construction, installation, or modification of any facility described hereafter, without having a valid construction permit issued in accordance with this rule. Construction permits are required for the following:

- (1) Agricultural labor camps subject to ~~IC 13-1-9~~. **IC 16-41-26.**
- (2) Child caring institutions, day nurseries, and children's group homes subject to ~~IC 12-3-2~~. **IC 12-17.2.**
- (3) Mobile home parks subject to ~~IC 13-1-7~~. **IC 16-41-27.**
- (4) ~~Motels subject to IC 13-1-8.~~
- (5) ~~Organizational campgrounds subject to IC 16-1-3-13.~~
- (6) ~~(4) Recreational vehicle campgrounds subject to IC 16-1-3-13.~~ **IC 16-19-3-4 and 410 IAC 6-7.1.**
- (7) ~~(5) Schools subject to IC 16-1-24.~~ **IC 16-41-21.**
- (6) **Youth camps subject to IC 16-19-3-4 and 410 IAC 6-7.2.**

*(Indiana State Department of Health; 410 IAC 6-12-7; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 818)*

SECTION 8. 410 IAC 6-12-8 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-8 Application for construction permit**

**Authority:** IC 16-19-3-4; IC 16-19-3-5  
**Affected:** IC 16-19; IC 25-21.5-9-4

Sec. 8. (a) An application for a permit to construct any facility subject to section 7 of this rule shall be made to the ~~board~~ **department** on forms provided by the ~~board~~ **department**. Application for a construction permit shall be made at least ninety (90) days ~~prior to~~ **before** the date construction of the facility is to commence. An application shall be considered complete only when the form is completed in its entirety, including all supplemental information required or requested by the ~~board~~ **department**. An application for a permit shall, at a minimum, include the following:

- (1) The signature of the applicant or his ~~or her~~ **designated agent**.
- (2) The name, business address, and business telephone number of the owner. For corporate owners, the name of the corporation, the name of its designated agent, and that agent's business address and business telephone number shall suffice.
- (3) One (1) set of detailed construction plans and specifications certified and sealed by an engineer or architect currently registered in Indiana, drawn to scale, and having sufficient clarity to be reproduced to create legible microfilm. As provided in ~~IC 25-31-1-2(h)~~, **IC 25-21.5-9-4**, registered land surveyors may only certify and seal plans for gravity sanitary sewers, storm sewers, and tile drains.
- (4) A map or other documentation showing the location of the property involved.
- (5) A plot plan, drawn to scale, showing the following:
  - (A) The location of the proposed facility with respect to property lines.
  - (B) The existing and proposed:
    - (i) structures;
    - (ii) roads;
    - (iii) parking lots;

- (iv) sewers;
  - (v) sewage disposal systems;
  - (vi) water wells; and
  - (vii) water lines;
- on the property.

For those facilities ~~which that~~ **which that** will be served by a commercial on-site wastewater disposal system that includes an absorption field, the plot plan shall also show site topography with contours established at intervals of two (2) feet or less.

(6) The fee for plan review required by section ~~16~~ **17** of this rule.

(7) The name, business address, and business telephone number, **in writing**, of the registered engineer or architect who certified and sealed the construction plans and specifications required by subdivision (3). ~~in writing~~.

(8) For those facilities ~~which that~~ **which that** will be served by a commercial on-site wastewater disposal system that includes an absorption field, a soil profile analysis **conducted by a soil scientist currently registered in Indiana** for the soils observed in the area of the proposed absorption field. Said analysis shall

- ~~(A) include the name of each soil type observed;~~
- ~~(B) map the approximate boundaries and specify slope for each soil type; and~~
- ~~(C) provide a description of the soil textures, soil structure, soil color, and the depth to rock or seasonal high water table in the upper five (5) feet of soil for each soil type observed.~~

**all information required by 410 IAC 6-10.**

(9) Wastewater characteristics and calculations used to estimate wastewater flow on the peak day, in gallons, to be disposed of. If more than one (1) type of facility is involved in the project, wastewater characteristics and calculations used to estimate wastewater flow, in gallons, from each facility on the peak day must be submitted.

(10) A summary delineating, for each diameter of pipe utilized, the estimated total length of water line, sanitary sewer, and sewage force main to be installed.

(11) All additional information requested by the ~~board~~ **department** to substantiate that the proposed facility can reasonably be expected to conform to the requirements of laws and rules applicable to the facility, without causing a:

- (A) health or safety hazard;
- (B) nuisance;
- (C) surface water pollution; or
- (D) ground water pollution.

(b) Requests for additional substantiating information made ~~pursuant to~~ **under** subsection (a)(11) shall be addressed to the registered engineer or architect who certified and sealed the construction plans and specifications in compliance with subsection (a)(3). *(Indiana State Department of Health; 410 IAC 6-12-8; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2220; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 819)*

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SECTION 9. 410 IAC 6-12-9 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-9 Right of entry

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 9. The **board department** or the local health department's authorized representative may enter upon public or private property at reasonable times and upon presentation of credentials to:

- (1) inspect facilities, equipment, or records;
- (2) investigate allegations;
- (3) determine **topography, elevations, or** soil characteristics;
- (4) conduct tests or collect samples for the purpose of obtaining information necessary to the issuance of a permit **pursuant to under** this rule; or
- (5) determine whether any person is subject to, or in violation of, this rule or any permit or order issued **pursuant to under** this rule.

(Indiana State Department of Health; 410 IAC 6-12-9; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820)

SECTION 10. 410 IAC 6-12-10 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-10 Official's signature; effective date

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 10. Construction permits shall be:

- (1) signed by the commissioner on behalf of the **board department**; and ~~shall be~~
- (2) considered issued as of the date of mailing.

(Indiana State Department of Health; 410 IAC 6-12-10; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820)

SECTION 11. 410 IAC 6-12-11 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-11 Permit conditions

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 11. The **board department** may specify in its construction permits any limitations, terms, or conditions necessary to provide a functional, easily operated, enduring facility or to prevent a health or safety hazard, nuisance, surface water pollution, or ground water pollution. In addition, all construction permits shall contain the following requirements, not necessarily verbatim:

- (1) The permit shall expire on the last day of the twelfth month following the month of permit issuance, unless the applicant has started construction of the facility on or before

the date of permit expiration.

(2) That all necessary local permits and approvals shall be obtained before construction is begun.

(3) That any proposed changes, alterations, or additions to the approved facilities be submitted to the **board department** for review and approval prior to the start of construction ~~which~~ **that** will effect the proposed changes, alterations, or additions.

(4) That, if pollution, health hazards, or nuisance conditions occur ~~which~~ **that** are attributable to the facility permitted, immediate corrective action shall be taken by the owner.

(5) That the permittee notify the **board department** and the local health department at least seven (7) days before construction of the approved facilities is to commence.

(Indiana State Department of Health; 410 IAC 6-12-11; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2221; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820)

SECTION 12. 410 IAC 6-12-12 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-12 Standards for issuance

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 12. The **board department** may reject an application for permit to construct a facility unless the applicant has submitted the following:

(1) All documentation and fees required by sections 8(a) and ~~16~~ **17** of this rule.

(2) Evidence that the facility can be constructed, modified, or installed and operated in such a manner that it will not violate any law or rule applicable to the facility, or any other applicable sanitation, health, siting, or pollution control rules or ordinances existing at the time of application.

(Indiana State Department of Health; 410 IAC 6-12-12; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820)

SECTION 13. 410 IAC 6-12-13 IS AMENDED TO READ AS FOLLOWS:

### 410 IAC 6-12-13 Construction permit revocations and modifications

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 13. A facility construction permit may be revoked or modified by the **board department** for any of the following causes:

(1) Violation of a law or rule applicable to the facility, or any other applicable sanitation, health, siting, or pollution control rules or ordinances existing at the time of application.

(2) Violation of any limitation, term, or condition contained in the construction permit.

(3) Failure to disclose all facts relevant to construction and use of the facility that might adversely impact health, surface water, or ground water.

(4) Any misrepresentation made to obtain the construction permit.

(5) Any other change, situation, or activity relating to use of the facility ~~which, that~~, in the judgment of the ~~board, department~~, is not consistent with the purposes of this rule or a law or rule applicable to the facility.

*(Indiana State Department of Health; 410 IAC 6-12-13; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 820)*

SECTION 14. 410 IAC 6-12-14 IS AMENDED TO READ AS FOLLOWS:

**410 IAC 6-12-14 Denial of an application for construction permit**

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19

Sec. 14. An application for facility construction permit may be denied by the ~~board~~ department for any of the following causes:

- (1) Any misrepresentation made in the application.
- (2) Failure of the owner, or the engineer or architect who certified and sealed the construction plans and specifications, to respond to a request for revised plans and specifications or additional information made ~~pursuant to~~ under section 8 of this rule, within six (6) months of receiving the request.
- (3) Failure to show that the facility can be:

- (A) constructed;
- (B) operated;
- (C) maintained; or
- (D) abandoned;

in compliance with any law or rule applicable to the facility.

*(Indiana State Department of Health; 410 IAC 6-12-14; filed Jul 12, 1991, 5:00 p.m.: 14 IR 2222; readopted filed Jul 11, 2001, 2:23 p.m.: 24 IR 4234; filed Oct 18, 2004, 1:15 p.m.: 28 IR 821)*

SECTION 15. 410 IAC 6-12-17 IS ADDED TO READ AS FOLLOWS:

**410 IAC 6-12-17 Fees**

Authority: IC 16-19-3-4; IC 16-19-3-5  
Affected: IC 16-19; IC 16-21-2; IC 16-28-1; IC 16-41-27

Sec. 17. Fees shall be assessed for plan review and related services rendered by the department, in accordance with the following:

(1) For each plan review conducted for the following, the schedule of fees is:

- (A) A commercial on-site wastewater disposal facility under 410 IAC 6-10: two hundred dollars (\$200).
- (B) A community wastewater disposal facility under 410

IAC 6-10: seven hundred dollars (\$700).

(C) An ambulatory outpatient surgery center under IC 16-21-2 and 410 IAC 15.2: four hundred fifty dollars (\$450).

(D) A health facility under IC 16-28-1 and 410 IAC 16.2: one hundred fifty dollars (\$150).

(E) A new hospital or hospital addition under IC 16-21-2 and 410 IAC 15: five hundred fifty dollars (\$550).

(F) Remodeling of an existing hospital under IC 16-21-2 and 410 IAC 15: three hundred dollars (\$300).

(G) A mobile home park or mobile home park addition under IC 16-41-27 and this rule: three hundred dollars (\$300).

(2) For projects that include both a commercial on-site wastewater disposal facility and a facility subject to subdivision (1)(C) through (1)(F), the total fee for plan review shall be the larger of the two (2) fees applicable to that project under subdivision (1).

(3) No additional fee shall be assessed for review of revised plans for the same project.

(4) Before a service enumerated in subdivision (1) can proceed, the requisite fee must have been received. Only a check, a money order, or an electronic transfer of funds is acceptable. All checks or money orders shall be made payable to the "Indiana State Department of Health". Electronic transfer of funds will be acceptable only when the department is capable of receiving such transfers. Only that portion of a payment made in excess of the requisite fee is refundable.

*(Indiana State Department of Health; 410 IAC 6-12-17; filed Oct 18, 2004, 1:15 p.m.: 28 IR 821)*

SECTION 16. THE FOLLOWING ARE REPEALED: 410 IAC 6-12-2; 410 IAC 6-12-5; 410 IAC 6-12-6; 410 IAC 6-12-15.

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**TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH**

LSA Document #04-60(F)

DIGEST

Adds 410 IAC 7-24 to establish minimum standards for the

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operation of retail food establishments. Repeals 410 IAC 7-20. Effective 30 days after filing with the secretary of state.

### 410 IAC 7-20 410 IAC 7-24

SECTION 1. 410 IAC 7-24 IS ADDED TO READ AS FOLLOWS:

#### Rule 24. Sanitary Standards for the Operation of Retail Food Establishments

##### 410 IAC 7-24-1 Applicability

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 1. The definitions in this rule apply throughout this rule. (*Indiana State Department of Health; 410 IAC 7-24-1; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-2 “Acid foods” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 2. “Acid foods” means foods that have a natural pH of 4.6 or below. (*Indiana State Department of Health; 410 IAC 7-24-2; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-3 “Acidified foods” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 3. (a) “Acidified foods” means low-acid foods to which acid or acid food is added. The term includes, but is not limited to:

- (1) beans;
- (2) cucumbers;
- (3) cabbage;
- (4) artichokes;
- (5) cauliflower;
- (6) puddings;
- (7) peppers;
- (8) tropical fruits; and
- (9) fish;

singly or in any combination. These foods have an  $a_w$  greater than eighty-five hundredths (0.85), a finished equilibrium pH of 4.6 or below, and may be called pickled, such as “pickled cauliflower”.

(b) The term does not include:

- (1) carbonated beverages;
- (2) jams;
- (3) jellies;
- (4) preserves; and
- (5) acid foods;

including such foods as standardized and nonstandardized food dressings and condiment sauces, that contain small amounts of low-acid food and have a resultant finished equilibrium pH that does not significantly differ from that

of the predominant acid or acid food, and foods that are stored, distributed, and retailed under refrigeration. (*Indiana State Department of Health; 410 IAC 7-24-3; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-4 “Adulterated” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42

Sec. 4. “Adulterated” has the meaning set forth in IC 16-42-1 through IC 16-42-4. (*Indiana State Department of Health; 410 IAC 7-24-4; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-5 “Approved” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 5. “Approved” means acceptable to the regulatory authority based on a determination of conformity with principles, practices, and generally recognized standards that protect public health. (*Indiana State Department of Health; 410 IAC 7-24-5; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-6 “ $a_w$ ” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 6. “ $a_w$ ” means water activity that is as follows:

- (1) A measure of the free moisture in a food.
- (2) The quotient of the water vapor pressure of the substance divided by the vapor pressure of pure water at the same temperature.
- (3) Indicated by the symbol  $a_w$ .

(*Indiana State Department of Health; 410 IAC 7-24-6; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-7 “Beverage” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 7. “Beverage” means a liquid for drinking, including water. (*Indiana State Department of Health; 410 IAC 7-24-7; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-8 “Bottled drinking water” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 8. “Bottled drinking water” means water that is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water. (*Indiana State Department of Health; 410 IAC 7-24-8; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

##### 410 IAC 7-24-9 “Casing” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 9. “Casing” means a tubular container for sausage products made of either natural or artificial (synthetic)

**material.** (*Indiana State Department of Health; 410 IAC 7-24-9; filed Oct 13, 2004, 12:30 p.m.: 28 IR 822*)

**410 IAC 7-24-10 “Catering” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 10. “Catering” means the preparation of food in an approved retail food establishment and may include the transportation of such food for service and consumption at some other site.** (*Indiana State Department of Health; 410 IAC 7-24-10; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-11 “Certification number” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 11. “Certification number” means a unique combination of letters and numbers assigned by a shellfish control authority to a molluscan shellfish dealer according to the provisions of the National Shellfish Sanitation Program.** (*Indiana State Department of Health; 410 IAC 7-24-11; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-12 “CFR” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 12. “CFR” means the Code of Federal Regulations.** (*Indiana State Department of Health; 410 IAC 7-24-12; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-13 “CIP” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 13. “CIP” means cleaned in place by the circulation or flowing by mechanical means through a piping system of a detergent solution, water rinse, and sanitizing solution onto or over equipment surfaces that require cleaning, such as the method used, in part, to clean and sanitize a frozen dessert machine. The term does not include the cleaning of equipment, such as band saws, slicers, or mixers, that are subjected to in-place manual cleaning without the use of a CIP system.** (*Indiana State Department of Health; 410 IAC 7-24-13; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-14 “Color additive” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 14. “Color additive” has the meaning set forth in the Federal Food, Drug, and Cosmetic Act, Section 201(t) and 21 CFR 70.** (*Indiana State Department of Health; 410 IAC 7-24-14; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-15 “Comminuted” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 15. “Comminuted” means reduced in size by methods, including chopping, flaking, grinding, or mincing. The term includes the following:**

(1) Fish or meat products that are reduced in size and restructured or reformulated, such as the following:

- (A) Gefilte fish.
- (B) Gyros.
- (C) Ground beef.
- (D) Sausage.

(2) A mixture of two (2) or more types of meat that have been reduced in size and combined, such as sausages made from two (2) or more meats.

(*Indiana State Department of Health; 410 IAC 7-24-15; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-16 “Commissary” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 16. “Commissary” means a registered catering establishment, restaurant, or any retail food establishment in which food, food containers, or food supplies are:**

- (1) kept;
- (2) handled;
- (3) prepared;
- (4) packaged; or
- (5) stored;

**from which meals are catered and mobile retail food establishments or pushcarts are serviced.** (*Indiana State Department of Health; 410 IAC 7-24-16; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-17 “Confirmed disease outbreak” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 17. “Confirmed disease outbreak” means a foodborne disease outbreak in which laboratory analysis of appropriate specimens identifies a causative agent and epidemiological analysis implicates the food as the source of the illness.** (*Indiana State Department of Health; 410 IAC 7-24-17; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-18 “Consumer” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 18. “Consumer” means a person who is a member of the public who:**

- (1) takes possession of food;
- (2) is not functioning in the capacity of an operator of a retail food establishment or food processing plant; and
- (3) does not offer the food for resale.

(*Indiana State Department of Health; 410 IAC 7-24-18; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

**410 IAC 7-24-19 “Corrosion-resistant material” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

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**Sec. 19. “Corrosion-resistant material” means a material that maintains acceptable surface cleanability characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and sanitizing solutions, and other conditions of the use environment.** (*Indiana State Department of Health; 410 IAC 7-24-19; filed Oct 13, 2004, 12:30 p.m.: 28 IR 823*)

### 410 IAC 7-24-20 “Critical control point” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 20. “Critical control point” means a point or procedure in a specific food system where loss of control may result in an unacceptable health risk.** (*Indiana State Department of Health; 410 IAC 7-24-20; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824*)

### 410 IAC 7-24-21 “Critical item” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 21. “Critical item” means a provision of this rule that, if in noncompliance, is more likely than other violations to significantly contribute to food contamination, illness, or environmental health hazard.** (*Indiana State Department of Health; 410 IAC 7-24-21; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824*)

### 410 IAC 7-24-22 “Critical limit” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 22. “Critical limit” means the maximum or minimum value to which a physical, biological, or chemical parameter must be controlled at a critical control point to minimize the risk that the identified food safety hazard may occur.** (*Indiana State Department of Health; 410 IAC 7-24-22; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824*)

### 410 IAC 7-24-23 “Department” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 23. “Department” means the Indiana state department of health or its authorized representative.** (*Indiana State Department of Health; 410 IAC 7-24-23; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824*)

### 410 IAC 7-24-24 “Disclosure” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 24. “Disclosure” means a written statement that clearly identifies the animal-derived foods that are, or can be ordered, raw, undercooked, or without otherwise being processed to eliminate pathogens in their entirety, or items that contain an ingredient that is raw, undercooked, or without otherwise being processed to eliminate pathogens.**

(*Indiana State Department of Health; 410 IAC 7-24-24; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824*)

### 410 IAC 7-24-25 “Drinking water” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 25. (a) “Drinking water” means water that meets the requirements of 327 IAC 8.**

**(b) The term is traditionally known as potable water.**

**(c) The term includes water, except where the term used connotes that the water is not potable, such as the following:**

- (1) Boiler water.**
- (2) Mop water.**
- (3) Rainwater.**
- (4) Wastewater.**
- (5) Nondrinking water.**

(*Indiana State Department of Health; 410 IAC 7-24-25; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824*)

### 410 IAC 7-24-26 “Dry storage area” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 26. “Dry storage area” means a room or area designated for the storage of packaged or containerized bulk food that is not potentially hazardous and dry goods, such as single-service items.** (*Indiana State Department of Health; 410 IAC 7-24-26; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824*)

### 410 IAC 7-24-27 “Easily cleanable” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 27. (a) “Easily cleanable” means a characteristic of a surface that:**

- (1) allows effective removal of soil by normal cleaning methods;**
- (2) is dependent on the material, design, construction, and installation of the surface; and**
- (3) varies with the likelihood of the surface’s role in introducing pathogenic or toxigenic agents or other contaminants into food based on the surface’s approved placement, purpose, and use.**

**(b) The term includes a tiered application of the criteria that qualify the surface as easily cleanable as specified under subsection (a) to different situations in which varying degrees of cleanability are required, such as the:**

- (1) appropriateness of stainless steel for a food preparation surface as opposed to the lack of need for stainless steel to be used for floors or for tables used for consumer dining; or**
- (2) need for a different degree of cleanability for a utilitarian attachment or accessory in the kitchen as opposed to a decorative attachment or accessory in the consumer dining area.**

*(Indiana State Department of Health; 410 IAC 7-24-27; filed Oct 13, 2004, 12:30 p.m.: 28 IR 824)*

**410 IAC 7-24-28 “Easily movable” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 28. “Easily movable” means:**

(1) portable, mounted on casters, gliders, or rollers, or provided with a mechanical means to safely tilt a unit of equipment for cleaning; and

(2) having:

- (A) no utility connection;
- (B) a utility connection that disconnects quickly; or
- (C) a flexible utility connection line of sufficient length to allow the equipment to be moved for cleaning of the equipment and adjacent area.

*(Indiana State Department of Health; 410 IAC 7-24-28; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825)*

**410 IAC 7-24-29 “Employee” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 29. “Employee” means any of the following:**

- (1) The person-in-charge.
- (2) The person having supervisory or management duties.
- (3) The person on the payroll.
- (4) A family member.
- (5) A volunteer.
- (6) A person performing work under contractual agreement.
- (7) Any other person working in a retail food establishment.

*(Indiana State Department of Health; 410 IAC 7-24-29; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825)*

**410 IAC 7-24-30 “EPA” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 30. “EPA” means the United States Environmental Protection Agency.** *(Indiana State Department of Health; 410 IAC 7-24-30; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825)*

**410 IAC 7-24-31 “Equipment” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 31. (a) “Equipment” means an article that is used in the operation of a retail food establishment, such as the following:**

- (1) A freezer.
- (2) A grinder.
- (3) A hood.
- (4) An ice maker.
- (5) A meat block.
- (6) A mixer.

- (7) An oven.
- (8) A reach-in refrigerator.
- (9) A scale.
- (10) A sink.
- (11) A slicer.
- (12) A stove.
- (13) A table.
- (14) A temperature measuring device for ambient air.
- (15) A vending machine.
- (16) A warewashing machine.

**(b) The term does not include items used for handling or storing large quantities of packaged foods that are received from a supplier in a cased or overwrapped lot, such as the following:**

- (1) Hand trucks.
- (2) Forklifts.
- (3) Dollies.
- (4) Pallets.
- (5) Racks.
- (6) Skids.

*(Indiana State Department of Health; 410 IAC 7-24-31; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825)*

**410 IAC 7-24-32 “Exclude” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 32. “Exclude” means to prevent a person from working as a food employee or entering a retail food establishment except for those areas open to the general public.** *(Indiana State Department of Health; 410 IAC 7-24-32; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825)*

**410 IAC 7-24-33 “Fish” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 33. (a) “Fish” means fresh or saltwater finfish, crustaceans, all mollusks, and all other forms of aquatic life, such as:**

- (1) alligators;
- (2) frogs;
- (3) aquatic turtles;
- (4) jellyfish;
- (5) sea cucumbers;
- (6) sea urchins; and
- (7) the roe of such animals;

**other than birds or mammals, if such animal life is intended for human consumption.**

**(b) The term includes an edible human food product derived in whole or in part from fish, including fish that have been processed in any manner.** *(Indiana State Department of Health; 410 IAC 7-24-33; filed Oct 13, 2004, 12:30 p.m.: 28 IR 825)*

**410 IAC 7-24-34 “Food” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 34. “Food” means the following:**

- (1) Articles used for food, drink, confectionery, or condiment whether simple, mixed, or compound.
- (2) Substances or ingredients used in the preparation of the items described in subdivision (1).

*(Indiana State Department of Health; 410 IAC 7-24-34; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-35 “Food additive” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 35. “Food additive” has the meaning stated in the Federal Food, Drug, and Cosmetic Act, Section 201(s) and 21 CFR 170.** *(Indiana State Department of Health; 410 IAC 7-24-35; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-36 “Foodborne disease outbreak” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 36. (a) “Foodborne disease outbreak” means an incident, except as specified under subsection (b), in which:**

- (1) there is an occurrence of two (2) or more cases of a similar illness resulting from the ingestion of a common food; and
- (2) epidemiological analysis implicates the food as the source of the illness.

**(b) The term includes a single case of illness from botulism or chemical poisoning.** *(Indiana State Department of Health; 410 IAC 7-24-36; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-37 “Food-contact surface” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 37. “Food-contact surface” means a surface of equipment or a utensil:**

- (1) with which food normally comes into contact; or
- (2) from which food may drain, drip, or splash into a food or onto a surface normally in contact with food.

*(Indiana State Department of Health; 410 IAC 7-24-37; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-38 “Food employee” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 38. “Food employee” means an individual working with food, food equipment or utensils, or food-contact surfaces.** *(Indiana State Department of Health; 410 IAC 7-24-38; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-39 “Food processing plant” defined**

Authority: IC 16-42-5-5  
Affected: IC 15-2.1; IC 16-42-5

**Sec. 39. (a) “Food processing plant” means a commercial operation, such as:**

- (1) a wholesale food establishment regulated under IC 16-42-5 and 410 IAC 7-21;
- (2) a dairy operation regulated under IC 15-2.1-23 and 345 IAC 8; and
- (3) a meat and poultry operation regulated under IC 15-2.1-24;

**that manufactures, packages, labels, or stores food for human consumption and does not provide food directly to a consumer.**

**(b) The term does not include a retail food establishment as defined under section 79 of this rule.** *(Indiana State Department of Health; 410 IAC 7-24-39; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-40 “Game animal” defined**

Authority: IC 16-42-5-5  
Affected: IC 15-2.1-24; IC 16-42-5

**Sec. 40. “Game animal” means an animal, the products of which are food, that is not:**

- (1) regulated under IC 15-2.1-24;
- (2) fish as defined in section 33 of this rule; and
- (3) possessed or raised in violation of state or federal law.

*(Indiana State Department of Health; 410 IAC 7-24-40; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-41 “General use pesticide” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 41. “General use pesticide” means a pesticide that is not classified by EPA for restricted use as specified in 40 CFR 152.175.** *(Indiana State Department of Health; 410 IAC 7-24-41; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-42 “Grade A standards” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 42. “Grade A standards” means the requirements of the United States Public Health Service, Food and Drug Administration (FDA) Grade A Pasteurized Milk Ordinance and Grade A Condensed and Dry Milk Ordinance with which certain fluid and dry milk and milk products comply.** *(Indiana State Department of Health; 410 IAC 7-24-42; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826)*

**410 IAC 7-24-43 “HACCP plan” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 43. “HACCP plan” means a written document that delineates the formal procedures for following the Hazard Analysis Critical Control Point principles developed by the National Advisory Committee on Microbiological Criteria**

**for Foods.** (*Indiana State Department of Health; 410 IAC 7-24-43; filed Oct 13, 2004, 12:30 p.m.: 28 IR 826*)

**410 IAC 7-24-44 “Hazard” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 44. “Hazard” means a biological, chemical, or physical property that may cause an unacceptable consumer health risk.** (*Indiana State Department of Health; 410 IAC 7-24-44; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-45 “Hermetically sealed container” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 45. “Hermetically sealed container” means a container that is designed and intended to be secure against the entry of microorganisms and, in the case of low-acid canned foods, to maintain the commercial sterility of its contents after processing.** (*Indiana State Department of Health; 410 IAC 7-24-45; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-46 “Highly susceptible population” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 46. “Highly susceptible population” means a group of persons who are more likely than other populations to experience foodborne disease because they are:**

- (1) immunocompromised or adults who are at least sixty-five (65) years of age and in a hospital;
- (2) preschool age children in a facility that provides custodial care, such as a child care center; or
- (3) children nine (9) years of age or younger in a school or custodial child care facility that are served juice.

(*Indiana State Department of Health; 410 IAC 7-24-46; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-47 “Imminent health hazard” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 47. “Imminent health hazard” means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury or illness based on the:**

- (1) number of potential injuries or illnesses; and
- (2) nature, severity, and duration of the anticipated injury or illness.

(*Indiana State Department of Health; 410 IAC 7-24-47; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-48 “Injected” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 48. “Injected” means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as by processes that may be referred to as injecting, pinning, or stitch pumping.** (*Indiana State Department of Health; 410 IAC 7-24-48; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-49 “Juice” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 49. (a) “Juice” means the aqueous liquid expressed or extracted from:**

- (1) one (1) or more fruits or vegetables;
- (2) purées of the edible portions of one (1) or more fruits or vegetables; or
- (3) any concentrate of such liquid or purée.

The term does not apply to standards of identity.

**(b) The term includes juice as:**

- (1) a whole beverage;
- (2) an ingredient of a beverage; and
- (3) a purée as an ingredient of a beverage.

(*Indiana State Department of Health; 410 IAC 7-24-49; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-50 “Kitchenware” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 50. “Kitchenware” means food preparation and storage utensils.** (*Indiana State Department of Health; 410 IAC 7-24-50; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-51 “Law” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 51. “Law” means applicable state and federal statutes and regulations and local ordinances.** (*Indiana State Department of Health; 410 IAC 7-24-51; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-52 “Linens” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 52. “Linens” means fabric items, such as the following:**

- (1) Cloth hampers.
- (2) Cloth napkins.
- (3) Table cloths.
- (4) Wiping cloths.
- (5) Work garments, including cloth gloves.

(*Indiana State Department of Health; 410 IAC 7-24-52; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827*)

**410 IAC 7-24-53 “Meat” defined**

Authority: IC 16-42-5-5  
Affected: IC 15-2.1-24; IC 16-42-5

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**Sec. 53. (a) “Meat” means the food products of animals, such as:**

- (1) pork;
- (2) beef;
- (3) lamb; and
- (4) ratite;

included under IC 15-2.1-24.

**(b) The term does not include:**

- (1) fish;
- (2) poultry; and
- (3) game animals.

*(Indiana State Department of Health; 410 IAC 7-24-53; filed Oct 13, 2004, 12:30 p.m.: 28 IR 827)*

### **410 IAC 7-24-54 “Misbranded” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42

**Sec. 54. “Misbranded” has the meaning set forth in IC 16-42-1 through IC 16-42-4, and 410 IAC 7-5.** *(Indiana State Department of Health; 410 IAC 7-24-54; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

### **410 IAC 7-24-55 “Mobile retail food establishment” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

**Sec. 55. “Mobile retail food establishment” means a retail food establishment that is:**

- (1) wheeled;
- (2) on skids;
- (3) mounted on a vehicle;
- (4) a marine vessel; or
- (5) otherwise readily movable;

such as a pushcart or trailer. *(Indiana State Department of Health; 410 IAC 7-24-55; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

### **410 IAC 7-24-56 “Molluscan shellfish” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

**Sec. 56. “Molluscan shellfish” means any edible species of fresh or frozen:**

- (1) oysters;
- (2) clams;
- (3) mussels; and
- (4) scallops;

or edible portions thereof, except when the scallop product consists only of the shucked adductor muscle. *(Indiana State Department of Health; 410 IAC 7-24-56; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

### **410 IAC 7-24-57 “Packaged” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

**Sec. 57. (a) “Packaged” means:**

- (1) bottled;
- (2) canned;
- (3) cartoned;
- (4) securely bagged; or
- (5) securely wrapped;

whether packaged in a retail food establishment or a food processing plant.

**(b) The term does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.** *(Indiana State Department of Health; 410 IAC 7-24-57; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

### **410 IAC 7-24-58 “Person” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

**Sec. 58. “Person” means any of the following:**

- (1) An association.
- (2) A corporation.
- (3) An individual.
- (4) A partnership.
- (5) Any other legal entity, government, or governmental subdivision or agency.

*(Indiana State Department of Health; 410 IAC 7-24-58; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

### **410 IAC 7-24-59 “Personal care items” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

**Sec. 59. (a) “Personal care items” means items or substances that may be poisonous, toxic, or a source of contamination and are used to maintain or enhance a person’s health, hygiene, or appearance.**

**(b) The term includes the following items, such as:**

- (1) Medicines.
- (2) First aid supplies.
- (3) Cosmetics.
- (4) Toiletries.

*(Indiana State Department of Health; 410 IAC 7-24-59; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

### **410 IAC 7-24-60 “Person-in-charge” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

**Sec. 60. “Person-in-charge” means the individual present at a retail food establishment who is responsible for the operation at the time of inspection.** *(Indiana State Department of Health; 410 IAC 7-24-60; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

### **410 IAC 7-24-61 “pH” defined**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

**Sec. 61. “pH”** means the symbol for the negative logarithm of the hydrogen ion concentration, which is a measure of the degree of acidity or alkalinity of a solution. Values between zero (0) and seven (7) indicate acidity, and values between seven (7) and fourteen (14) indicate alkalinity. The value for pure distilled water is seven (7), which is considered neutral. *(Indiana State Department of Health; 410 IAC 7-24-61; filed Oct 13, 2004, 12:30 p.m.: 28 IR 828)*

**410 IAC 7-24-62 “Physical facilities” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 62. “Physical facilities”** means the structure and interior surfaces of a retail food establishment, including floors, walls, ceilings, and accessories, such as the following:

- (1) Soap and towel dispensers.
- (2) Attachments, such as the following:
  - (A) Light fixtures.
  - (B) Heating or air conditioning system vents.

*(Indiana State Department of Health; 410 IAC 7-24-62; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829)*

**410 IAC 7-24-63 “Plumbing fixture” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 63. “Plumbing fixture”** means a receptacle or device that:

- (1) is permanently or temporarily connected to the water distribution system of the premises and demands a supply of water from the system; or
- (2) discharges used water, waste materials, or sewage directly or indirectly to the drainage system of the premises.

*(Indiana State Department of Health; 410 IAC 7-24-63; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829)*

**410 IAC 7-24-64 “Plumbing system” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 64. “Plumbing system”** means the following:

- (1) The water supply and distribution pipes.
- (2) Plumbing fixtures and traps.
- (3) Soil, waste, and vent pipes.
- (4) Sanitary and storm sewers and building drains, including their respective:
  - (A) connections;
  - (B) devices; and
  - (C) appurtenances;
 within the premises.
- (5) Water-treating equipment.

*(Indiana State Department of Health; 410 IAC 7-24-64; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829)*

**410 IAC 7-24-65 “Poisonous or toxic materials” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 65. “Poisonous or toxic materials”** means substances that are not intended for ingestion and are included in four (4) categories, as follows:

- (1) Cleaners and sanitizers, which include cleaning and sanitizing agents and agents such as the following:
  - (A) Caustics.
  - (B) Acids.
  - (C) Drying agents.
  - (D) Polishes.
  - (E) Other chemicals.

(2) Pesticides except sanitizers, which include substances such as insecticides and rodenticides.

(3) Substances necessary for the operation and maintenance of the establishment, such as nonfood grade lubricants and personal care items that may be deleterious to health.

(4) Substances that are not necessary for the operation and maintenance of the establishment and are on the premises for retail sale, such as petroleum products and paints.

*(Indiana State Department of Health; 410 IAC 7-24-65; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829)*

**410 IAC 7-24-66 “Potentially hazardous food” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 66. (a) “Potentially hazardous food”** means a food that is natural or synthetic and requires temperature control because it is in a form capable of supporting any of the following:

- (1) The rapid and progressive growth of infectious or toxigenic microorganisms.
- (2) The growth and toxin production of *Clostridium botulinum*.
- (3) In raw shell eggs, the growth of *Salmonella enteritidis*.

(b) The term includes the following:

- (1) A food of animal origin that is raw or heat treated.
- (2) A food of plant origin that is heat-treated or consists of raw seed sprouts.
- (3) Cut melons.
- (4) Garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under subsection (a).

(c) The term does not include any of the following:

- (1) An air-cooled hard-boiled egg with shell intact.
- (2) A food with an  $a_w$  value of eighty-five hundredths (0.85) or less.
- (3) A food with a pH level of 4.6 or below when measured at seventy-five (75) degrees Fahrenheit.
- (4) A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of nonrefrigerated storage and distribution.
- (5) A food for which laboratory evidence demonstrates

that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of *Salmonella enteritidis* in eggs or *Clostridium botulinum* cannot occur, such as a food that:

(A) has an  $a_w$  and a pH that are above the levels specified under subdivisions (2) and (3); and

(B) may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms.

(6) A food that may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness, but that does not support the growth of microorganisms as specified under subsection (a).

*(Indiana State Department of Health; 410 IAC 7-24-66; filed Oct 13, 2004, 12:30 p.m.: 28 IR 829)*

**410 IAC 7-24-67 “Poultry” defined**

Authority: IC 16-42-5-5  
Affected: IC 15-2.1-24; IC 16-42-5

**Sec. 67. “Poultry” means a:**

(1) domesticated bird included under IC 15-2.1-24 and is not meat; or

(2) game animal.

*(Indiana State Department of Health; 410 IAC 7-24-67; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830)*

**410 IAC 7-24-68 “ppm” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 68. “ppm” means parts per million, which is equivalent to milligrams per liter.** *(Indiana State Department of Health; 410 IAC 7-24-68; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830)*

**410 IAC 7-24-69 “Premises” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 69. “Premises” means the physical facility, its contents, and the:**

(1) contiguous land or property under the control of the retail food establishment; or

(2) land or property not described under subdivision (1) if its facilities and contents are under the control of the owner or operator of the retail food establishment and may impact personnel, facilities, or operations, if a retail food establishment is only one (1) component of a larger operation, such as a:

(A) health care facility;

(B) hotel;

(C) motel;

(D) school;

(E) recreational camp; or

(F) prison.

*(Indiana State Department of Health; 410 IAC 7-24-69; filed*

*Oct 13, 2004, 12:30 p.m.: 28 IR 830)*

**410 IAC 7-24-70 “Primal cut” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 70. “Primal cut” means a basic major cut into which carcasses and sides of meat are separated, such as a:**

(1) beef round;

(2) pork loin;

(3) lamb flank; or

(4) veal breast.

*(Indiana State Department of Health; 410 IAC 7-24-70; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830)*

**410 IAC 7-24-71 “Public water system” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 71. “Public water system” has the meaning set forth in 327 IAC 8.** *(Indiana State Department of Health; 410 IAC 7-24-71; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830)*

**410 IAC 7-24-72 “Ready-to-eat food” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 72. (a) “Ready-to-eat food” means food that:**

(1) is in a form that is edible without additional preparation to achieve food safety, as specified under section 162 of this rule, section 182(a) through 182(c) of this rule, or section 183 of this rule;

(2) is a raw or partially cooked animal food and the consumer is advised as specified under section 182(d) of this rule; or

(3) may receive additional preparation for palatability or aesthetic, epicurean, gastronomic, or culinary purposes.

(b) “Ready-to-eat food” includes, but is not limited to, the following:

(1) Raw animal food that is cooked as specified under section 182 or 183 of this rule or frozen as specified under section 162 of this rule.

(2) Raw fruits and vegetables that are washed as specified under section 175 of this rule.

(3) Fruits and vegetables that are cooked for hot holding, as specified under section 186 of this rule.

(4) All potentially hazardous food that is cooked to the temperature and time required for the specific food under section 182, 183, or 186 of this rule and cooled as specified in section 189 of this rule.

(5) Plant food for which further washing, cooking, or other processing is not required for food safety and from which:

(A) rinds;

(B) peels;

(C) husks; or

(D) shells;

if naturally present, are removed.

(6) Substances derived from plants, such as the following:

- (A) Spices.
- (B) Seasonings.
- (C) Sugar.

(7) Bakery items such as:

- (A) bread;
- (B) cakes;
- (C) pies;
- (D) fillings; or
- (E) icing;

for which further cooking is not required for food safety.

(8) The following products that are produced in accordance with USDA guidelines and that have received a lethality treatment for pathogens:

- (A) Dry, fermented sausages, such as dry salami or pepperoni.
- (B) Salt-cured meat and poultry products, such as prosciutto ham, country cured ham, and Parma ham.
- (C) Dried meat and poultry products, such as jerky or beef sticks.

(9) Foods manufactured according to 21 CFR Part 113.

*(Indiana State Department of Health; 410 IAC 7-24-72; filed Oct 13, 2004, 12:30 p.m.: 28 IR 830)*

**410 IAC 7-24-73 “Reduced oxygen packaging” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 73. (a) “Reduced oxygen packaging” means the following:

(1) The reduction of the amount of oxygen in a package by:

- (A) removing oxygen;
- (B) displacing oxygen and replacing it with another gas or combination of gases; or
- (C) otherwise controlling the oxygen content to a level below that normally found in the surrounding twenty-one percent (21%) oxygen atmosphere.

(2) A process as specified in subdivision (1) that involves a food for which *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form.

(b) The term includes the following:

(1) Vacuum packaging in which air is removed from a package of food and the package is hermetically sealed so that a vacuum remains inside the package, such as sous vide.

(2) Modified atmosphere packaging in which the atmosphere of a package of food is modified so that its composition is different from air but the atmosphere may change over time due to the permeability of the packaging material or the respiration of the food. Modified atmosphere packaging includes any of the following:

- (A) Reduction in the proportion of oxygen.
- (B) Total replacement of oxygen.
- (C) An increase in the proportion of other gases, such as

carbon dioxide or nitrogen.

(3) Controlled atmosphere packaging in which the atmosphere of a package of food is modified so that until the package is opened, its composition is different from air, and continuous control of that atmosphere is maintained, such as by using oxygen scavengers or a combination of total replacement of oxygen, nonrespiring food, and impermeable packaging material.

*(Indiana State Department of Health; 410 IAC 7-24-73; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831)*

**410 IAC 7-24-74 “Refuse” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 74. “Refuse” means solid waste not carried by water through the sewage system. *(Indiana State Department of Health; 410 IAC 7-24-74; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831)*

**410 IAC 7-24-75 “Regulatory authority” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 75. “Regulatory authority” means the local, state, or federal enforcement body or authorized representative having jurisdiction over a retail food establishment. *(Indiana State Department of Health; 410 IAC 7-24-75; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831)*

**410 IAC 7-24-76 “Reminder” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 76. “Reminder” means a written statement concerning the health risk of consuming animal foods raw, undercooked, or without otherwise being processed to eliminate pathogens. *(Indiana State Department of Health; 410 IAC 7-24-76; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831)*

**410 IAC 7-24-77 “Restrict” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 77. “Restrict” means to limit the activities of a food employee so that there is no risk of transmitting a disease that is transmissible through food and the food employee does not work with:

- (1) exposed food;
- (2) clean equipment, utensils, or linens; and
- (3) unwrapped single-service or single-use articles.

*(Indiana State Department of Health; 410 IAC 7-24-77; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831)*

**410 IAC 7-24-78 “Restricted use pesticide” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 78. “Restricted use pesticide” has the same meaning

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## Final Rules

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as when defined in law and rules of the office of the Indiana state chemist. (*Indiana State Department of Health; 410 IAC 7-24-78; filed Oct 13, 2004, 12:30 p.m.: 28 IR 831*)

### 410 IAC 7-24-79 “Retail food establishment” defined

Authority: IC 16-42-5-5

Affected: IC 12-10-15; IC 12-13-5; IC 16-18-2; IC 16-21-2; IC 16-25-11; IC 16-41-31; IC 16-42-5-4

Sec. 79. (a) “Retail food establishment” means an operation as follows that:

(1) Stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, such as the following:

- (A) A restaurant.
- (B) A satellite or catered feeding location.
- (C) A catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people.
- (D) A market.
- (E) A grocery store.
- (F) A convenience store.
- (G) A vending location.
- (H) A conveyance used to transport people.
- (I) An institution.
- (J) A food bank.
- (K) A commissary.
- (L) A cottage industry.
- (M) A hospice facility as defined in IC 16-25-11.
- (N) A health care facility as defined in IC 16-21-2.
- (O) A health facility as defined in IC 16-18-2.
- (P) A child care facility as defined in IC 12-13-5, such as the following:
  - (i) Licensed child care centers licensed under 470 IAC 3-4.7.
  - (ii) Licensed child care institutions licensed under 470 IAC 3-11, 470 IAC 3-12, and 470 IAC 3-13.
  - (iii) Registered child care ministries registered under 470 IAC 3-4.5.
- (Q) An assisted living facility as defined in IC 12-10-15.

(2) Relinquishes possession of food to a consumer directly or indirectly through a delivery service, such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(b) The term includes the following:

(1) An element of the operation, such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority.

(2) An operation that is conducted in a:

- (A) mobile;
- (B) stationary;
- (C) temporary; or
- (D) permanent;

facility or location, where consumption is on or off the

premises and regardless of whether there is a charge for the food.

(c) The term does not include the following:

- (1) An establishment that offers only prepackaged foods that are not potentially hazardous.
- (2) A produce stand that offers only whole, uncut fresh fruits and vegetables.
- (3) A food processing plant operated under IC 16-42-5.
- (4) A private home where food is prepared by a member of an organization that is operating under IC 16-42-5-4.
- (5) An area where food that is prepared as specified in subdivision (4) is sold or offered for human consumption.
- (6) A bed and breakfast establishment as defined and regulated under IC 16-41-31 and 410 IAC 7-15.5.
- (7) A private home that receives catered or home-delivered food.
- (8) A private home.

(*Indiana State Department of Health; 410 IAC 7-24-79; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832*)

### 410 IAC 7-24-80 “Risk” defined

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 80. “Risk” means the likelihood that an adverse health effect will occur within a population as a result of a hazard in food. (*Indiana State Department of Health; 410 IAC 7-24-80; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832*)

### 410 IAC 7-24-81 “Safe material” defined

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 81. “Safe material” means any of the following:

- (1) An article manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food.
- (2) An additive that is used as specified in Section 409 or 706 of the Federal Food, Drug, and Cosmetic Act.
- (3) Other materials that are not food or color additives and that are used in conformity with applicable regulations of the Food and Drug Administration.

(*Indiana State Department of Health; 410 IAC 7-24-81; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832*)

### 410 IAC 7-24-82 “Sanitization” defined

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 82. “Sanitization” means the application of cumulative heat or chemicals on cleaned food-contact surfaces that, when evaluated for efficacy, is sufficient to yield a reduction of five (5) logs, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction of representative disease microorganisms of public health importance. (*Indiana State Department of Health; 410*

*IAC 7-24-82; filed Oct 13, 2004, 12:30 p.m.: 28 IR 832)*

**410 IAC 7-24-83 “Sealed” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 83. “Sealed” means free of cracks or other openings that allow the entry or passage of moisture.** (*Indiana State Department of Health; 410 IAC 7-24-83; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-84 “Service animal” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 84. “Service animal” means a professionally trained animal, such as a guide dog, signal dog, or other animal that provides assistance to an individual with a disability.** (*Indiana State Department of Health; 410 IAC 7-24-84; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-85 “Servicing area” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 85. “Servicing area” means an operating base location to which a mobile retail food establishment or transportation vehicle returns for such functions as the following:**

- (1) Vehicle and equipment cleaning.
- (2) Discharging liquid or solid wastes.
- (3) Refilling water tanks and ice bins.
- (4) Boarding food.

(*Indiana State Department of Health; 410 IAC 7-24-85; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-86 “Sewage” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 86. “Sewage” means liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.** (*Indiana State Department of Health; 410 IAC 7-24-86; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-87 “Shellfish control authority” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 87. “Shellfish control authority” means a state, federal, foreign, tribal, or other government entity legally responsible for administering a program that includes certification of molluscan shellfish harvesters and dealers for interstate commerce.** (*Indiana State Department of Health; 410 IAC 7-24-87; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-88 “Shellstock” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 88. “Shellstock” means raw, in-shell molluscan shellfish.** (*Indiana State Department of Health; 410 IAC 7-24-88; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-89 “Shiga toxin-producing Escherichia coli” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 89. “Shiga toxin-producing Escherichia coli” means any Escherichia coli capable of producing Shiga toxins (also called verocytotoxins or “Shiga-like” toxins). This includes, but is not limited to, Escherichia coli reported as serotype O157:H7, O157:NM, and O157:H-.** (*Indiana State Department of Health; 410 IAC 7-24-89; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-90 “Shucked shellfish” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 90. “Shucked shellfish” means molluscan shellfish that have one (1) or both shells removed.** (*Indiana State Department of Health; 410 IAC 7-24-90; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-91 “Single-service articles” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 91. “Single-service articles” means tableware, carry-out utensils, and other items, such as:**

- (1) bags;
- (2) containers;
- (3) place mats;
- (4) stirrers;
- (5) straws;
- (6) toothpicks; and
- (7) wrappers;

**that are designed and constructed for one (1) time, one (1) person use after which they are intended for discard.** (*Indiana State Department of Health; 410 IAC 7-24-91; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833)*

**410 IAC 7-24-92 “Single-use articles” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 92. (a) “Single-use articles” means utensils and bulk food containers designed and constructed to be used once and discarded.**

**(b) The term includes items, such as:**

- (1) wax paper;
- (2) butcher paper;
- (3) plastic wrap;
- (4) formed aluminum food containers;
- (5) jars;

- (6) plastic tubs or buckets;
- (7) bread wrappers;
- (8) pickle barrels;
- (9) ketchup bottles; and
- (10) number ten (10) cans;

that do not meet the materials, durability, strength, and cleanability specifications under sections 205, 217, and 229 of this rule for multiuse utensils. (*Indiana State Department of Health; 410 IAC 7-24-92; filed Oct 13, 2004, 12:30 p.m.: 28 IR 833*)

#### 410 IAC 7-24-93 “Slacking” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 93. “Slacking” means the process of moderating the temperature of a food, such as allowing a food to gradually increase from a temperature of minus ten (10) degrees Fahrenheit to twenty-five (25) degrees Fahrenheit in preparation for deep-fat frying or to facilitate even heat penetration during the cooking of previously block-frozen food, such as kale. (*Indiana State Department of Health; 410 IAC 7-24-93; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834*)

#### 410 IAC 7-24-94 “Smooth” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 94. “Smooth” means the following:

- (1) A food-contact surface having a surface free of pits and inclusions with a cleanability equal to or exceeding that of one hundred (100) grit number three (3) stainless steel.
- (2) A nonfood-contact surface of equipment having a surface equal to that of commercial grade hot-rolled steel free of visible scale.
- (3) A floor, wall, or ceiling having an even or level surface with no roughness or projections that render it difficult to clean.

(*Indiana State Department of Health; 410 IAC 7-24-94; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834*)

#### 410 IAC 7-24-95 “Table-mounted equipment” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 95. “Table-mounted equipment” means equipment that is not portable and is designed to be mounted off the floor on a table, counter, or shelf. (*Indiana State Department of Health; 410 IAC 7-24-95; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834*)

#### 410 IAC 7-24-96 “Tableware” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 96. “Tableware” means:

- (1) eating, drinking, and serving utensils for table use,

such as flatware, including:

- (A) forks;
- (B) knives; and
- (C) spoons;
- (2) hollowware including:
  - (A) bowls;
  - (B) cups;
  - (C) serving dishes; and
  - (D) tumblers; and
- (3) plates.

(*Indiana State Department of Health; 410 IAC 7-24-96; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834*)

#### 410 IAC 7-24-97 “Temperature measuring device” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 97. “Temperature measuring device” means:

- (1) a thermometer;
- (2) a thermocouple;
- (3) a thermistor; or
- (4) other device;

that indicates the temperature of food, air, or water. (*Indiana State Department of Health; 410 IAC 7-24-97; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834*)

#### 410 IAC 7-24-98 “Temporary food establishment” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 98. “Temporary food establishment” means a retail food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration with the approval of the organizers of the event or celebration. (*Indiana State Department of Health; 410 IAC 7-24-98; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834*)

#### 410 IAC 7-24-99 “USDA” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 99. “USDA” means the United States Department of Agriculture. (*Indiana State Department of Health; 410 IAC 7-24-99; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834*)

#### 410 IAC 7-24-100 “Utensil” defined

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 100. “Utensil” means a food-contact implement or container used in the storage, preparation, transportation, dispensing, sale, or service of food, such as the following:

- (1) Kitchenware or tableware that is multiuse, single-service, or single-use.
- (2) Gloves used in contact with food.

- (3) Food temperature measuring devices.
- (4) Probe-type price or identification tags used in contact with food.

*(Indiana State Department of Health; 410 IAC 7-24-100; filed Oct 13, 2004, 12:30 p.m.: 28 IR 834)*

**410 IAC 7-24-101 “Variance” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 101. “Variance” means a written document issued by the department upon demonstration of good cause by the person requesting the variance that authorizes a waiver, modification, or deviation from one (1) or more of the state rules concerning food handling machinery or sanitary standards for the operation of food establishments. *(Indiana State Department of Health; 410 IAC 7-24-101; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835)*

**410 IAC 7-24-102 “Vending machine” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 102. “Vending machine” means a self-service device that, upon activation, such as through the insertion of a:

- (1) coin;
- (2) paper currency;
- (3) token;
- (4) card; or
- (5) key;

or by optional manual operation, dispenses unit servings of food in bulk or in packages without the necessity of replenishing the device between each vending operation. *(Indiana State Department of Health; 410 IAC 7-24-102; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835)*

**410 IAC 7-24-103 “Vending machine location” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 103. “Vending machine location” means the:

- (1) room;
- (2) enclosure;
- (3) space; or
- (4) area;

where one (1) or more vending machines are installed and operated and includes the storage areas and areas on the premises that are used to service and maintain the vending machines. *(Indiana State Department of Health; 410 IAC 7-24-103; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835)*

**410 IAC 7-24-104 “Warewashing” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 104. “Warewashing” means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

*(Indiana State Department of Health; 410 IAC 7-24-104; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835)*

**410 IAC 7-24-105 “Whole-muscle, intact beef” defined**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 105. “Whole-muscle, intact beef” means whole muscle beef that is not:

- (1) injected;
- (2) mechanically tenderized;
- (3) reconstructed; or
- (4) scored and marinated;

from which beef steaks may be cut. *(Indiana State Department of Health; 410 IAC 7-24-105; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835)*

**410 IAC 7-24-106 Public health protection**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 106. (a) The regulatory authority shall uniformly apply this rule to all retail food establishments in a reasonable manner that promotes its underlying purpose of safeguarding public health and ensuring that food is:

- (1) safe;
- (2) not misbranded;
- (3) unadulterated; and
- (4) honestly presented;

when offered to the consumer.

(b) In enforcing this rule, the regulatory authority shall assess existing facilities or equipment that was in use before the effective date of this rule based on the following considerations:

- (1) Whether the facilities or equipment is in good repair and capable of being maintained in a sanitary condition.
- (2) Whether food-contact surfaces comply with sections 205 through 213, 215, 216, and 240 of this rule.
- (3) Whether the capacities of cooling, heating, and holding equipment are sufficient to comply with section 259 of this rule.
- (4) The existence of a documented agreement with the owner or operator of the retail food establishment that the facilities or equipment will be replaced or upgraded.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-106; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835)*

**410 IAC 7-24-107 Prerequisite for operation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-1-6; IC 16-42-5

Sec. 107. (a) A person may not operate a retail food establishment without first having registered with the

department as required under IC 16-42-1-6.

(b) A retail food establishment registered with a local health department or other regulatory authority shall be considered registered with the department under IC 16-42-1-6.

(c) To allow verification that the retail food establishment is constructed, equipped, and otherwise meets the requirements of this rule, the regulatory authority shall be notified of an intent to operate at least thirty (30) days before registering under this rule.

(d) From one (1) year of the effective date of this rule, the owner or operator of the retail food establishment shall maintain at least one (1) copy of this rule on the premises at all times. Immediate electronic access to this rule shall be considered acceptable in meeting this requirement.

(e) For purposes of this section, a violation of subsections (a) through (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-107; filed Oct 13, 2004, 12:30 p.m.: 28 IR 835*)

#### 410 IAC 7-24-108 Access allowed at reasonable times after due notice

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 108. (a) After the regulatory authority presents official credentials and expresses an intent to conduct an inspection, investigation, or to collect food samples, the person-in-charge shall allow the regulatory authority to determine if the retail food establishment is in compliance with this rule by allowing access to the establishment, and providing information and records specified in this rule and to which the regulatory authority is entitled according to law, during the retail food establishment's hours of operation and other reasonable times.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-108; filed Oct 13, 2004, 12:30 p.m.: 28 IR 836*)

#### 410 IAC 7-24-109 Ceasing operations, reporting, and resumption of operations

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 109. (a) Except as specified in subsection (b), the owner or operator of the retail food establishment shall immediately discontinue operations and notify the regulatory authority if an imminent health hazard may exist because of an emergency, such as the following:

- (1) Fire.
- (2) Flood.
- (3) An extended interruption of electrical or water service.
- (4) A sewage backup.

- (5) A misuse of poisonous or toxic materials.
- (6) An onset of an apparent foodborne illness outbreak.
- (7) A gross insanitary occurrence or condition.
- (8) Other circumstance that may endanger public health.

(b) The owner or operator of a retail food establishment need not discontinue operations in an area of an establishment that is unaffected by the imminent health hazard.

(c) If operations are discontinued as specified under this section or otherwise according to law, the retail food establishment shall obtain approval from the regulatory authority before resuming operations.

(d) For purposes of this section, a violation of subsection (a) is a critical item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-109; filed Oct 13, 2004, 12:30 p.m.: 28 IR 836*)

#### 410 IAC 7-24-110 Requirement for facility and operating plans

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 110. (a) The owner or other authorized agent of an existing or proposed retail food establishment shall submit to the regulatory authority properly prepared plans and specifications for review before any of the following:

- (1) The construction of a retail food establishment.
- (2) The conversion of an existing structure for use as a retail food establishment.
- (3) The remodeling of a retail food establishment or a change of type of retail food establishment or food operation if the regulatory authority determines that plans and specifications are necessary to ensure compliance with this rule.

The retail food establishment owner or operator should use the 2000 Food Establishment Plan Review Guide and the temporary retail food establishment owner or operator should use the 2000 Pre-Operational Guide for Temporary Retail Food Establishment Plan Review Guide, both as published by the U.S. Food and Drug Administration and the Conference for Food Protection, as a source for determining recommended equipment specifications and operational standards for retail food establishments/temporary retail food establishments.

(b) The plans and specifications shall be approved by the regulatory authority prior to construction and the operation of the retail food establishment.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-110; filed Oct 13, 2004, 12:30 p.m.: 28 IR 836*)

**410 IAC 7-24-111     Contents and specifications for facility and operating plans**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 111. (a) The plans and specifications for a retail food establishment shall include, as required by the regulatory authority based on the type of operation, type of food preparation, and foods prepared, the following information to demonstrate compliance with this rule:

- (1) Intended menu.
- (2) Anticipated volume of food to be stored, prepared, and sold or served.
- (3) Proposed layout, mechanical schematics, construction materials, and finish schedules.
- (4) Proposed equipment types, manufacturers, model numbers, locations, dimensions, performance capacities, and installation specifications.
- (5) Evidence that standard procedures that ensure compliance with this rule are developed or are being developed.
- (6) Other information that may be required by the regulatory authority for the proper review of the proposed construction, conversion, or modification, and procedures for operating a retail food establishment.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-111; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837*)

**410 IAC 7-24-112     Food equipment; certification and classification**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 112. (a) Food equipment that is certified or classified for sanitation by an American National Standards Institute accredited certification program will be deemed to comply with sections 161, 205 through 213, 215 through 217, 219 through 226, 229 through 232, 253 through 256, 261 through 266, 271, 277 through 282, 288, 305 through 306, and 333 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-112; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837*)

**410 IAC 7-24-113     Mobile retail food establishment**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 113. (a) A mobile retail food establishment must be physically transported to a commissary or servicing area, or both, at least once daily for all:

- (1) supplies;
- (2) cleaning; and
- (3) servicing operations.

(b) A mobile retail food establishment shall comply with this rule except as otherwise provided in this section.

(c) A mobile retail food establishment serving only food prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of this rule, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with this rule pertaining to the following:

- (1) The necessity of water and sewage systems.
- (2) The cleaning and sanitizing of equipment and utensils if the required equipment for cleaning and sanitizing exists at the commissary; however, frankfurters may be prepared and served from these units without the required cleaning and sanitizing equipment only.

(d) A mobile retail food establishment shall provide only single-service articles for use by the consumer.

(e) A mobile retail food establishment requiring a water system shall have a potable water system under pressure. The system shall be of sufficient capacity to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing, in accordance with this rule.

(f) If liquid waste results from the operation of a mobile retail food establishment, the waste shall be stored in a permanently installed retention tank that is of at least fifteen percent (15%) larger capacity than the water supply tank as specified in section 372 of this rule. Liquid waste shall not be discharged from the retention tank when the mobile retail food establishment is being moved.

(g) For purposes of this section, a violation of subsection (a), (c), (e), or (f) is a critical item.

(h) For purposes of this section, a violation of subsection (b) or (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-113; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837*)

**410 IAC 7-24-114     Variance**

Authority: IC 16-42-5-5  
 Affected: IC 16-19-3-4.3; IC 16-42-5-5.2

Sec. 114. (a) An owner or operator of a retail food establishment may request a variance from one (1) or more of the sections in this rule as specified in IC 16-19-3-4.3 and IC 16-42-5-5.2.

(b) An owner or operator of a retail food establishment that requests a variance from one (1) or more requirements of this rule must complete a variance application provided by the department. The application information must adequately and completely address all areas of concern

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described in the department's "Policy for Processing Variance Requests".

(c) The department will process the variance request in accordance with the published and posted policy referenced in subsection (b).

(d) From the effective date of this rule, an owner or operator of a retail food establishment shall not commence implementation of a modification to this rule without first obtaining approval from the department.

(e) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-114; filed Oct 13, 2004, 12:30 p.m.: 28 IR 837*)

### 410 IAC 7-24-115 Contents of a HACCP plan

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 115. (a) For a retail food establishment that is required under sections 114 and 195 of this rule to have a HACCP plan, the plan and specifications shall indicate the following:

(1) A categorization of the types of potentially hazardous foods that are specified in the menu, such as soups, sauces, salads, and bulk, solid foods, such as meat roasts, or other foods that are specified by the regulatory authority.

(2) A flow diagram by specific food or category type identifying critical control points and providing information on the following:

(A) Ingredients, materials, and equipment used in the preparation of that food.

(B) Formulations or recipes that delineate methods and procedural control measures that address the food safety concerns involved.

(3) A food employee and supervisory training plan that addresses the food safety issues of concern.

(4) A statement of standard operating procedures for the plan under consideration including clearly identifying the following:

(A) Each critical control point.

(B) The critical limits for each critical control point.

(C) The method and frequency for monitoring and controlling each critical control point by the food employee designated by the person-in-charge.

(D) The method and frequency for the person-in-charge to routinely verify that the food employee is following standard operating procedures and monitoring critical control points.

(E) Actions to be taken by the person-in-charge if the critical limits for each critical control point are not met.

(F) Records to be maintained by the person-in-charge to demonstrate that the HACCP plan is properly operated and managed.

(5) Additional scientific data or other information, as required by the regulatory authority, supporting the determination that food safety is not compromised by the proposal.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-115; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838*)

### 410 IAC 7-24-116 Preventing health hazards; provisions for conditions not addressed

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 116. (a) If necessary to protect against public health hazards or nuisances, the regulatory authority may temporarily impose specific requirements in addition to the requirements contained in this rule that are authorized by law.

(b) The regulatory authority shall document the conditions that necessitate the imposition of additional requirements and the underlying public health rationale. The documentation shall be provided to the retail food establishment, and a copy shall be maintained in the regulatory authority's file for the retail food establishment.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-116; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838*)

### 410 IAC 7-24-117 Assignment of supervision responsibility

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 117. (a) The owner or operator of a retail food establishment shall have a person-in-charge present at the retail food establishment during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-117; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838*)

### 410 IAC 7-24-118 Demonstration of knowledge

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 118. (a) Based on the risk of foodborne illness inherent to the retail food operation, during inspections and upon request, the person-in-charge shall demonstrate to the regulatory authority knowledge of foodborne disease prevention, application of the HACCP principles, and the requirements of this rule. The person-in-charge shall demonstrate this knowledge by either of the following:

(1) Having a certified food employee who has shown profi-

ciency of required information through passing a test that is part of an accredited program, as per 410 IAC 7-22.

(2) If the retail food establishment is exempt from 410 IAC 7-22, the demonstration of knowledge shall be met by the following:

(A) Compliance with this rule by having no critical violation or violations during the current inspection.

(B) Responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include the following:

(i) Describing the relationship between the prevention of foodborne disease and personal hygiene of a food employee.

(ii) Explaining the responsibility of the person-in-charge for preventing transmission of foodborne disease by a food employee who has a disease or medical condition that may cause foodborne disease.

(iii) Describing the symptoms associated with the diseases that are transmissible through food.

(iv) Explaining the significance of the relationship between maintaining the time and temperature of potentially hazardous food and the prevention of foodborne illness.

(v) Explaining the hazards involved in the consumption of raw or undercooked meat, poultry, eggs, and fish.

(vi) Stating the required food temperatures and times for safe cooking of potentially hazardous food including meat, poultry, eggs, and fish.

(vii) Stating the required temperatures and times for the safe refrigerated storage, hot holding, cooling, and reheating of potentially hazardous food.

(viii) Describing the relationship between the prevention of foodborne illness and the management and control of the following:

(AA) Cross-contamination.

(BB) Hand contact with ready-to-eat foods.

(CC) Hand washing.

(DD) Maintaining the retail food establishment in a clean condition and in good repair.

(ix) Explaining the relationship between food safety and providing equipment that is as follows:

(AA) Sufficient in number and capacity.

(BB) Properly designed, constructed, located, installed, operated, maintained, and cleaned.

(x) Explaining correct procedures for cleaning and sanitizing utensils and food contact surfaces of equipment.

(xi) Identifying the source of water used and measures taken to ensure that it remains protected from contamination, such as providing protection from backflow and precluding the creation of cross connections.

(xii) Identifying poisonous or toxic materials in the retail food establishment and the procedures necessary to ensure that they are safely stored, dispensed, used,

and disposed of according to law.

(xiii) Identifying critical control points in the operation from purchasing through sale or service that when not controlled may contribute to the transmission of foodborne illness and explaining steps taken to ensure that the points are controlled in accordance with this rule.

(xiv) Explaining the details of how the person-in-charge and food employees comply with the HACCP plan if a plan is required by the law, this rule, or an agreement between the regulatory authority and the establishment.

(xv) Explaining the responsibilities, rights, and authorities assigned by this rule to the:

(AA) food employee;

(BB) person-in-charge; and

(CC) regulatory authority.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-118; filed Oct 13, 2004, 12:30 p.m.: 28 IR 838*)

**410 IAC 7-24-119 Duties of the person-in-charge**

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 119. (a) When applicable, the person-in-charge of the retail food establishment shall ensure the following:

(1) Retail food establishment operations are not conducted in a private home or in a room used as living or sleeping quarters as specified under section 423 of this rule.

(2) Persons unnecessary to the retail food establishment operation are not allowed in the food preparation, food storage, or warewashing areas, except that brief visits and tours may be authorized by the person-in-charge if steps are taken to ensure that:

(A) exposed food;

(B) clean equipment, utensils, and linens; and

(C) unwrapped single-service and single-use articles; are protected from contamination.

(3) Employees and other persons, such as delivery and maintenance persons and pesticide applicators, entering the food preparation, food storage, and warewashing areas comply with this rule.

(4) Employees are effectively cleaning their hands, by routinely monitoring the employees' hand washing.

(5) Employees are visibly observing foods as they are received to determine that they are:

(A) from approved sources;

(B) delivered at the required temperatures;

(C) protected from contamination;

(D) unadulterated; and

(E) accurately presented;

by routinely monitoring the employees' observations and periodically evaluating foods upon their receipt.

(6) Employees are properly cooking potentially hazardous food, being particularly careful in cooking those foods

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known to cause severe foodborne illness and death, such as eggs and comminuted meats, through daily oversight of the employees' routine monitoring of the cooking temperatures using appropriate temperature measuring devices properly scaled and calibrated as specified under sections 235 and 254 of this rule.

(7) Employees are using proper methods to rapidly cool potentially hazardous foods that are not held hot or are not for consumption within four (4) hours, through daily oversight of the employees' routine monitoring of food temperatures during cooling.

(8) Consumers who order raw or partially cooked ready-to-eat foods of animal origin are informed as specified under section 196 of this rule that the food is not cooked sufficiently to ensure its safety.

(9) Employees are properly sanitizing cleaned multiuse equipment and utensils before they are reused, through routine monitoring of solution temperature and exposure time for hot water sanitizing and chemical concentration, pH, temperature, and exposure time for chemical sanitizing.

(10) Consumers are notified that clean tableware is to be used when they return to self-service areas, such as salad bars and buffets, as specified under section 249 of this rule.

(11) Employees are preventing cross-contamination of ready-to-eat food from unwashed hands and are properly using suitable utensils, such as:

- (A) deli tissue;
- (B) spatulas;
- (C) tongs;
- (D) single-use gloves; or
- (E) dispensing equipment;

when such items can be used.

(12) Employees are properly trained in food safety as it relates to their assigned duties.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-119; filed Oct 13, 2004, 12:30 p.m.: 28 IR 839*)

### 410 IAC 7-24-120 Responsibility to require reporting by food employees and applicants

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 120. (a) The owner or operator of a retail food establishment shall require food employee applicants to whom a conditional offer of employment is made and food employees to report to the person-in-charge information about their health and activities as they relate to diseases that are transmissible through food. A food employee or applicant shall report the information in a manner that allows the person-in-charge to prevent the likelihood of foodborne disease transmission, including the date of onset of jaundice or of an illness specified under subdivision (3),

if the food employee or applicant:

(1) is diagnosed with an illness due to:

- (A) *Salmonella* spp.;
- (B) *Shigella* spp.;
- (C) Shiga toxin-producing *Escherichia coli*;
- (D) hepatitis A virus; or
- (E) norovirus; or

(2) has a symptom caused by illness, infection, or other source that is:

(A) associated with an acute gastrointestinal illness, such as:

- (i) diarrhea;
- (ii) fever;
- (iii) vomiting;
- (iv) jaundice; or
- (v) sore throat with fever; or

(B) a lesion containing pus, such as a boil or infected wound that is open or draining and is on:

- (i) the hands or wrists unless an impermeable cover, such as a finger cot or stall, protects the lesion and a single-use glove is worn over the impermeable cover;
- (ii) exposed portions of the arms unless the lesion is protected by an impermeable cover; or
- (iii) other parts of the body, unless the lesion is covered by a dry, durable, tight-fitting bandage;

(3) had a past illness from an infectious agent specified under subdivision (1); or

(4) meets one (1) or more of the following high-risk conditions, such as:

(A) Being suspected of causing, or being exposed to, a confirmed disease outbreak caused by *Salmonella* spp., *Shigella* spp., Shiga toxin-producing *Escherichia coli*, hepatitis A virus, or norovirus because the food employee or applicant:

- (i) prepared food implicated in the outbreak;
- (ii) consumed food implicated in the outbreak; or
- (iii) consumed food at the event prepared by a person who is infected or ill with the infectious agent that caused the outbreak or who is suspected of being a shedder of the infectious agent.

(B) Living in the same household as a person who is diagnosed with a disease caused by *Salmonella* spp., *Shigella* spp., Shiga toxin-producing *Escherichia coli*, hepatitis A virus, or norovirus.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-120; filed Oct 13, 2004, 12:30 p.m.: 28 IR 840*)

### 410 IAC 7-24-121 Exclusions and restrictions

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 121. (a) The person-in-charge shall do the following:

(1) Exclude a food employee from a retail food establishment if the food employee is exhibiting vomiting and/or diarrhea symptoms.

(2) Exclude a food employee from a retail food establishment if the food employee is diagnosed with an infectious agent specified under section 120(a)(1) of this rule.

(3) Except as specified under subdivision (4), restrict a food employee from working with exposed clean equipment, utensils, and linens and unwrapped single-service and single-use articles in a retail food establishment if the food employee is:

(A) suffering from a symptom of sore throat with fever as specified under section 120(a)(2) of this rule;

(B) not experiencing a symptom of acute gastroenteritis specified under section 120(a)(2)(A) of this rule but has a stool that yields a specimen culture that is positive for *Salmonella* spp., *Shigella* spp., or Shiga toxin-producing *Escherichia coli*; or

(C) has a lesion containing pus, such as a boil or infected wound, that is open or draining as specified in section 120(a)(2)(B), and is not covered with an impermeable cover.

(4) If the population served is a highly susceptible population, exclude a food employee who:

(A) is experiencing a symptom of acute gastrointestinal illness specified under section 120(a)(2)(A) of this rule and meets a high-risk condition specified under section 120(a)(4) of this rule;

(B) is not experiencing a symptom of acute gastroenteritis specified under section 120(a)(2)(A) of this rule but has a stool that yields a specimen culture that is positive for *Salmonella* spp., *Shigella* spp., Shiga toxin-producing *Escherichia coli*, or norovirus;

(C) had a past illness from *Salmonella typhi* without three (3) successive negative stool cultures; or

(D) had a past illness from *Salmonella* spp., *Shigella* spp., or Shiga toxin-producing *Escherichia coli* without two (2) successive negative stool cultures.

(5) For a food employee who is jaundiced, if the onset of jaundice occurred within the last seven (7) calendar days, exclude the food employee from the food establishment.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-121; filed Oct 13, 2004, 12:30 p.m.: 28 IR 840*)

**410 IAC 7-24-122      Removal of exclusions and restrictions**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 122. (a) The person-in-charge may remove an exclusion specified under section 121(a)(1) of this rule if:

(1) the employee is free of vomiting and/or diarrhea symptoms for at least twenty-four (24) hours; or

(2) the person excluded as specified under section 121(a)(1) of this rule provides to the person-in-charge written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant that specifies the vomiting and/or diarrhea result

from a chronic noninfectious agent, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis, or other acute noninfectious condition.

(b) The person-in-charge may remove an exclusion specified under section 121(a)(2) of this rule if:

(1) the person-in-charge obtains approval from the regulatory authority; and

(2) the person excluded as specified under section 121(a)(1) of this rule provides to the person-in-charge written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant that specifies that the excluded person may work in an unrestricted capacity in a retail food establishment, including an establishment that serves a highly susceptible population, because the person is free of the infectious agent of concern as specified in section 127 of this rule.

(c) The person-in-charge may remove a restriction specified under:

(1) section 121(a)(3) of this rule if the restricted person: (A) is free of the symptoms specified under section 121(a)(3)(A) of this rule and no foodborne illness occurs that may have been caused by the restricted person;

(B) is suspected of causing foodborne illness but: (i) is free of the symptoms specified under section 120(a)(2)(A)(ii) and (B) [section 120(a)(2)(A)(ii) and 120(a)(2)(B)] of this rule; and

(ii) provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or a physician assistant stating that the restricted person is free of the infectious agent that is suspected of causing the person's symptoms or causing foodborne illness as specified in section 127 of this rule; or

(C) provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant stating that the symptoms experienced result from a chronic noninfectious condition, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis; or

(2) section 121(a)(2)(B) [*sic.*] of this rule if the restricted person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant according to the criteria specified in section 127 of this rule that indicates the stools are free of *Salmonella* spp., *Shigella* spp., Shiga toxin-producing *Escherichia coli*, or norovirus, whichever is the infectious agent of concern.

(d) The person-in-charge may remove an exclusion specified under section 121(a)(4) of this rule if the excluded person provides written medical documentation from a physician licensed to practice medicine, a nurse practitioner, or physician assistant:

(1) who specifies that the person is free of:

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(A) the infectious agent of concern as specified in section 127 of this rule; or

(B) jaundice as specified under subsection (e) if hepatitis A virus is the infectious agent of concern; or

(2) if the person is excluded under section 121(a)(4)(A) of this rule, stating that the symptoms experienced result from a chronic noninfectious condition, such as Crohn's disease, irritable bowel syndrome, or ulcerative colitis.

(e) The person-in-charge may remove an exclusion specified under section 121(a)(5) of this rule if:

(1) at least seven (7) days have passed since the onset of jaundice; or

(2) at least fourteen (14) days have passed since the onset of symptoms if no jaundice occurred.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d) and (e) [subsections (a) through (e)] is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-122; filed Oct 13, 2004, 12:30 p.m.: 28 IR 841*)

### 410 IAC 7-24-123 Responsibility of a food employee or an applicant to report to the person-in-charge

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 123. (a) A food employee or a person who applies for a job as a food employee shall do the following:

(1) In a manner specified under section 120 of this rule, report to the person-in-charge the information specified under section 120 of this rule.

(2) Comply with exclusions and restrictions that are specified under section 121 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-123; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842*)

### 410 IAC 7-24-124 Obtaining information: personal history of illness, medical examination, and specimen analysis

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 124. (a) The regulatory authority shall act when it has reasonable cause to believe that a food employee:

(1) has possibly transmitted disease;

(2) may be infected with a disease in a communicable form that is transmissible through food;

(3) may be a carrier of infectious agents that cause a disease that is transmissible through food; or

(4) is affected with:

(A) a boil;

(B) an infected wound; or

(C) an acute respiratory infection.

(b) The regulatory authority shall act to secure a confi-

dential medical history of the food employee suspected of transmitting disease or making other investigations as deemed appropriate. The regulatory authority shall also require appropriate medical examinations, including collection of specimens for laboratory analysis, of a suspected food employee and other employees.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-124; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842*)

### 410 IAC 7-24-125 Regulatory authority restriction or exclusion of food employee

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 125. (a) Based on the findings of an investigation related to a food employee who is suspected of being infected or diseased, the regulatory authority may issue an order to the suspected employee or retail food establishment instituting one (1) or more of the following control measures:

(1) Restricting the employee's services to specific areas and tasks in a retail food establishment that present no risk of transmitting the disease.

(2) Excluding the employee from a retail food establishment.

(3) Closing the retail food establishment in accordance with law.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-125; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842*)

### 410 IAC 7-24-126 Restriction or exclusion order

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 126. (a) Based on the findings of the investigation as specified in section 124 of this rule and to control disease transmission, the regulatory authority may issue an order of restriction or exclusion to a suspected food employee or the owner or operator of the retail food establishment without prior warning, notice of a hearing, or a hearing if the order states the following:

(1) The reasons for the restriction or exclusion that is ordered.

(2) The evidence that the food employee or the owner or operator of the retail food establishment shall provide in order to demonstrate that the reasons for the restriction or exclusion are eliminated.

(3) That the suspected food employee or the owner or operator of the retail food establishment may request an appeal hearing by submitting a timely request as provided in law.

(4) The name and address of the regulatory authority representative to whom a request for an appeal hearing may be made.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-126; filed Oct 13, 2004, 12:30 p.m.: 28 IR 842*)

**410 IAC 7-24-127 Release of a food employee from restriction or exclusion**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 127. (a) The regulatory authority shall release a food employee from restriction or exclusion according to the following conditions:

- (1) If the employee's stools are negative for *Salmonella typhi* based on testing of at least three (3) consecutive stool specimen cultures that are taken:
  - (A) not earlier than one (1) month after onset;
  - (B) at least forty-eight (48) hours after discontinuance of antibiotics; and
  - (C) at least twenty-four (24) hours apart.
- (2) If one (1) of the cultures taken as specified in subdivision (1) is positive, repeat cultures are taken at intervals of one (1) month until at least three (3) consecutive negative stool specimen cultures are obtained.
- (3) If the employee's stools are negative for *Salmonella* spp., *Shigella* spp., or Shiga toxin-producing *Escherichia coli* based on testing of two (2) consecutive stool specimen cultures that are taken:
  - (A) not earlier than forty-eight (48) hours after discontinuance of antibiotics; and
  - (B) at least twenty-four (24) hours apart.
- (4) For a food employee who was infected with hepatitis A virus if:
  - (A) at least seven (7) days have passed since the onset of jaundice;
  - (B) at least fourteen (14) days have passed since the onset of symptoms, if no jaundice occurred; or
  - (C) at least two (2) blood tests show falling liver enzymes.
- (5) A food employee has not experienced symptoms of vomiting and/or diarrhea, not attributable to another noninfectious condition, for at least twenty-four (24) hours.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-127; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843*)

**410 IAC 7-24-128 Hand cleaning and drying procedure**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 128. (a) Food employees shall, except as specified in section 343(c) of this rule, clean their hands and exposed portions of their arms with a cleaning compound at a hand washing sink that is equipped as specified under section 342(a) of this rule by vigorously rubbing together the

surfaces of their lathered hands and arms for at least twenty (20) seconds in water having a temperature of at least one hundred (100) degrees Fahrenheit and thoroughly rinsing with clean water. Employees shall pay particular attention to the areas underneath the fingernails and between the fingers. A nail brush shall be used when provided.

(b) Food employees shall dry their hands utilizing the provisions under section 347 of this rule. The use of a common towel is prohibited.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-128; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843*)

**410 IAC 7-24-129 When to wash hands**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 129. (a) Food employees shall clean their hands and exposed portions of their arms as specified under section 128 of this rule immediately before engaging in food preparation, including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles and the following:

- (1) After touching bare human body parts other than clean hands and clean, exposed portions of arms.
- (2) After using the toilet room.
- (3) After caring for or handling service animals or aquatic animals as specified in section 435(b) of this rule.
- (4) After coughing, sneezing, or using a handkerchief or disposable tissue.
- (5) After drinking, other than as specified in section 136(b) of this rule, using tobacco, or eating.
- (6) After handling soiled surfaces, equipment, or utensils.
- (7) During food preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks.
- (8) When switching between working with raw food and working with ready-to-eat food.
- (9) Before touching food or food-contact surfaces.
- (10) Before placing gloves on hands.
- (11) After engaging in other activities that contaminate the hands.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-129; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843*)

**410 IAC 7-24-130 Where to wash hands**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 130. (a) Food employees shall clean their hands in a hand washing sink or approved automatic hand washing facility and may not clean their hands in a sink used for food preparation or in a service sink or a curbed cleaning facility used for the disposal of mop water and similar liquid waste.

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(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-130; filed Oct 13, 2004, 12:30 p.m.: 28 IR 843*)

### 410 IAC 7-24-131 Hand sanitizers

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 131. (a) A hand sanitizer and a chemical hand sanitizing solution used as a hand dip shall be as follows:

(1) Comply with one (1) of the following:

(A) Be an approved drug that is listed in the FDA publication Approved Drug Products with Therapeutic Equivalence Evaluations as an approved drug based on safety and effectiveness.

(B) Have active antimicrobial ingredients that are listed in the FDA monograph for OTC Health-Care Antiseptic Drug Products as an antiseptic hand wash.

(2) Consist of components that are one (1) of the following:

(A) Listed for such use in contact with food in 21 CFR 178 - Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers.

(B) Exempt from regulation as food additives under 21 CFR 170.39 - Threshold of regulation for substances used in food-contact articles.

(C) Generally recognized as safe (GRAS) for the intended use in contact with food within the meaning of the Federal Food, Drug and Cosmetic Act (FFDCA).

(D) Permitted for such use by an effective Food Contact Substance Notification as defined by paragraph 409(h) of the FFDCA and listed in FDA's Inventory of Effective Premarket Notifications for Food Contact Substances.

(3) Be applied only to hands that are cleaned as specified under section 172 of this rule.

(b) If a hand sanitizer or a chemical hand sanitizing solution used as a hand dip does not meet the criteria specified under subsection (a)(2), use shall be:

(1) followed by thorough hand rinsing in clean water before hand contact with food or by the use of gloves; or

(2) limited to situations that involve no direct contact with food by the bare hands.

(c) A chemical hand sanitizing solution used as a hand dip shall be maintained clean and at a strength equivalent to at least one hundred (100) milligrams per liter chlorine.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-131; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844*)

### 410 IAC 7-24-132 Personal cleanliness

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 132. (a) Food employees shall keep their hands and exposed portions of their arms clean.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-132; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844*)

### 410 IAC 7-24-133 Hand and arm maintenance

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 133. (a) Food employees shall keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough.

(b) Unless wearing intact gloves in good repair, a food employee may not wear fingernail polish or artificial fingernails while working with exposed food.

(c) If a lesion is present on the arms or hands, a food employee shall wear the following:

(1) An impermeable covering, such as a bandage and a single-use glove over the lesion, on the hands or wrist.

(2) A long sleeved shirt on other exposed portions of the arm where a bandaged lesion may be present.

(d) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item.

(e) For purposes of this section, a violation of subsection (c) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-133; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844*)

### 410 IAC 7-24-134 Jewelry prohibition

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 134. (a) While preparing food, a food employee shall not wear jewelry, including medical jewelry and watches, on their arms and hands. This section does not apply to a plain ring, such as a wedding band.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-134; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844*)

### 410 IAC 7-24-135 Clean condition of outer clothing

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 135. (a) Food employees shall wear clean outer clothing to prevent contamination of the following:

(1) Food.

(2) Equipment.

(3) Utensils.

(4) Linens.

**(5) Single-service and single-use articles.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-135; filed Oct 13, 2004, 12:30 p.m.: 28 IR 844*)

**410 IAC 7-24-136 Eating, drinking, or using tobacco**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 136. (a) Except as specified in subsection (b), an employee shall chew gum, eat and drink food, or use any form of tobacco only in designated areas where the contamination of:**

- (1) exposed food;**
- (2) clean equipment, utensils, and linens;**
- (3) unwrapped single-service and single-use articles; or**
- (4) other items needing protection;**

cannot result.

**(b) A food employee may drink from a closed beverage container if the container is handled in a manner that prevents contamination of the following:**

- (1) The employee's hands.**
- (2) The container.**
- (3) Exposed food.**
- (4) Clean equipment, utensils, and linens.**
- (5) Unwrapped single-service and single-use articles.**

**(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item.** (*Indiana State Department of Health; 410 IAC 7-24-136; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845*)

**410 IAC 7-24-137 Discharges from the eyes, nose, and mouth**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 137. (a) Food employees experiencing persistent sneezing, coughing, or a runny nose or when there are any other bodily discharges from the eyes, nose, or mouth may not work with the following:**

- (1) Exposed food.**
- (2) Clean equipment, utensils, and linens.**
- (3) Unwrapped single-service or single-use articles.**

**(b) For purposes of this section, a violation of subsection (a) is a critical item.** (*Indiana State Department of Health; 410 IAC 7-24-137; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845*)

**410 IAC 7-24-138 Effectiveness of hair restraint**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 138. (a) Except as provided in subsection (b), food employees shall wear hair restraints, such as hats, hair coverings or nets, beard restraints, and clothing that covers**

**body hair, that are designed and worn to effectively keep their hair from contacting:**

- (1) exposed food;**
- (2) clean equipment, utensils, and linens; and**
- (3) unwrapped single-service and single-use articles.**

**(b) This section does not apply to food employees, such as counter staff who only serve beverages and wrapped or packaged foods, hostesses, and wait staff, if they present a minimal risk of contaminating:**

- (1) exposed food;**
- (2) clean equipment, utensils, and linens; and**
- (3) unwrapped single-service and single-use articles.**

**(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-138; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845*)

**410 IAC 7-24-139 Food condition**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 139. (a) Food shall be safe, unadulterated, and, as specified under section 140 of this rule, honestly presented.**

**(b) Food shall not be misbranded.**

**(c) For purposes of this section, a violation of subsection (a) is a critical item.**

**(d) For purposes of this section, a violation of subsection (b) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard.** (*Indiana State Department of Health; 410 IAC 7-24-139; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845*)

**410 IAC 7-24-140 Honest presentation of food**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 140. (a) Food shall be offered for human consumption in a way that does not mislead or misinform the consumer.**

**(b) Food or color additives, colored overwraps, or lights may not be used to misrepresent the true appearance, color, or quality of a food.**

**(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-140; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845*)

**410 IAC 7-24-141 Discarding or reconditioning of unsafe, misbranded, adulterated, or contaminated food**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

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Sec. 141. (a) A food that is unsafe, adulterated, misbranded, or not honestly presented as specified under section 140 of this rule shall be reconditioned according to an approved procedure or discarded.

(b) Food that is not from an approved source as specified under section 142, 143, 147, 154, 155, 164, or 165 of this rule shall be discarded.

(c) Ready-to-eat food that may have been contaminated by an employee who has been restricted or excluded as specified under section 121 of this rule shall be discarded.

(d) Food that is contaminated by food employees, consumers, or other persons through contact with soiled hands, bodily discharges, such as nasal or oral discharges, or other means shall be discarded.

(e) For purposes of this section, a violation of subsection (a) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard.

(f) For purposes of this section, a violation of subsection (b), (c), or (d) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-141; filed Oct 13, 2004, 12:30 p.m.: 28 IR 845*)

### 410 IAC 7-24-142 Food sources

Authority: IC 16-42-5-5  
Affected: IC 16-42-1; IC 16-42-2

Sec. 142. (a) Food shall be obtained from sources that comply with law at least equivalent to Indiana law.

(b) Food prepared in a private home may not be used or offered for human consumption in a retail food establishment.

(c) Packaged food shall be labeled as specified:

(1) in law, including IC 16-42-1, IC 16-41-2 [*sic.*, IC 16-42-2], 21 CFR 101, 9 CFR 317, and 9 CFR 381 Subpart N; and

(2) under sections 156 and 157 of this rule.

(d) Fish, other than molluscan shellfish, that are intended for consumption in their raw form and allowed as specified in section 182(d) of this rule may be offered for sale or service if they are:

(1) obtained from a supplier that freezes the fish as specified under section 164 of this rule; or

(2) frozen on the premises as specified under section 162 of this rule;

and records are retained as specified under section 163 of this rule.

(e) Whole-muscle, intact beef steaks that are intended for

consumption in an undercooked form without a consumer advisory as specified in section 182(c) of this rule shall be:

(1) obtained from a food processing plant that packages the steaks and labels them to indicate that they meet the definition of whole-muscle, intact beef; or

(2) if individually cut in a retail food establishment:

(A) cut from whole-muscle, intact beef that is labeled by a food processing plant to indicate that the beef meets the definition of whole-muscle, intact beef;

(B) prepared so they remain intact; and

(C) if packaged for undercooking in a retail food establishment, labeled to indicate that they meet the definition of whole-muscle, intact beef.

(f) Meat and poultry that is not a ready-to-eat food and is in a packaged form when it is offered for sale or otherwise offered for consumption shall be labeled to include safe handling instructions as specified in law, including 9 CFR 317.2(l) and 9 CFR 381.125(b).

(g) For purposes of this section, a violation of subsections (a), (b), (c)(1), (d), (e), and (f) is a critical item.

(h) For purposes of this section, a violation of subsection (c)(2) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-142; filed Oct 13, 2004, 12:30 p.m.: 28 IR 846*)

### 410 IAC 7-24-143 Food in a hermetically sealed container

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 143. (a) Food in a hermetically sealed container shall be obtained from a:

(1) food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant; or  
(2) retail food establishment engaged in activities of a food processing plant for retail sale such as acidified foods or low-acid foods, meeting the same requirements as a food processing plant.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-143; filed Oct 13, 2004, 12:30 p.m.: 28 IR 846*)

### 410 IAC 7-24-144 Packaging integrity

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 144. (a) Food packages shall be in good condition and protect the integrity of the contents so that the food is not exposed to adulteration or potential contaminants.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410*

*IAC 7-24-144; filed Oct 13, 2004, 12:30 p.m.: 28 IR 846)*

**410 IAC 7-24-145     Accurate representation of packaged food using standards of identity**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 145. (a)** Packaged food shall comply with standard of identity requirements in 21 CFR 131 through 21 CFR 169, 9 CFR 319, and the general requirements in 21 CFR 130 and 9 CFR 319, Subpart A.

**(b)** For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-145; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847)*

**410 IAC 7-24-146     Food labels**

Authority: IC 16-42-5-5  
Affected: IC 16-42-1; IC 16-42-2

**Sec. 146. (a)** Food packaged in a retail food establishment shall be labeled as specified in law, including the following:

- (1) IC 16-42-1.
- (2) IC 16-42-2.
- (3) 410 IAC 7-5.
- (4) 21 CFR 101.
- (5) 9 CFR 317.

**(b)** Label information shall include the following:

- (1) The common name of the food or, absent a common name, an adequately descriptive identity statement.
- (2) If made from two (2) or more ingredients, a list of ingredients in descending order of predominance by weight, including a declaration of artificial color or flavor and chemical preservatives if contained in the food.
- (3) An accurate declaration of the quantity of contents.
- (4) The name and place of business of the manufacturer, packer, or distributor.
- (5) For any salmonid fish containing canthaxanthin as a color additive, the labeling of the bulk fish container, including a list of ingredients, displayed on the retail container or by other written means, such as a counter card, that discloses the use of canthaxanthin.

**(c)** Except as specified in subsection (d), bulk, unpackaged food not intended for immediate consumption that is available for consumer self-dispensing or that is portioned to consumer specifications shall be prominently labeled with either of the following information in plain view of the consumer:

- (1) The manufacturer's or processor's label that was provided with the food.
- (2) A card, sign, or other method of notification that includes the information specified under subsection (b)(1), (b)(2), and (b)(4).

**(d)** Bulk unpackaged food need not be labeled if:

- (1) a health, nutrient content, or other claim is not made; or
- (2) the food is manufactured or prepared on the premises of the retail food establishment.

**(e)** Retail food establishment or manufacturers' dating information on foods may not be concealed or altered.

**(f)** For purposes of this section, a violation of subsections (a) through (e) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-146; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847)*

**410 IAC 7-24-147     Fluid milk and milk products**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 147. (a)** Fluid milk and milk products shall be obtained from sources that comply with Grade A standards as specified in law.

**(b)** For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-147; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847)*

**410 IAC 7-24-148     Bulk milk**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 148. (a)** The bulk milk container dispensing tube shall be cut on the diagonal leaving no more than one (1) inch protruding from the chilled dispensing head.

**(b)** For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-148; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847)*

**410 IAC 7-24-149     Eggs and milk products; pasteurized**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 149. (a)** Liquid, frozen, and dry eggs and egg products shall be pasteurized.

**(b)** Fluid and dry milk and milk products complying with Grade A standards as specified in law shall be obtained pasteurized.

**(c)** Frozen milk products, such as ice cream, shall be pasteurized as specified in 21 CFR 135.

**(d)** Cheese shall be obtained pasteurized unless alternative procedures to pasteurization are specified in 21 CFR 133.

**(e)** For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-149; filed Oct 13, 2004, 12:30 p.m.: 28 IR 847)*

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### 410 IAC 7-24-150 Shell eggs

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 150. (a) Shell eggs shall be received clean and sound and may not exceed the restricted egg tolerances for United States Consumer Grade B as specified in 7 CFR 56, 9 CFR 590, United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 et seq.), and 370 IAC.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-150; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848*)

### 410 IAC 7-24-151 Pasteurized eggs; substitute for raw shell eggs for certain recipes

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 151. (a) Pasteurized eggs or egg products shall be substituted for raw shell eggs in the preparation of foods, such as caesar salad, hollandaise or béarnaise sauce, mayonnaise, and egg-fortified beverages that are not:

- (1) cooked as specified under section 182(a)(1) or 182(a)(2) of this rule; or
- (2) included in section 182(d) of this rule.

(b) For purposes of section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-151; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848*)

### 410 IAC 7-24-152 Juice treated

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 152. (a) Prepackaged juice shall:

- (1) be obtained from a processor who has established and is utilizing a HACCP system as specified in 21 CFR Part 120;
- (2) be obtained already pasteurized or otherwise treated to attain a 5-log reduction of the most resistant microorganism of public health significance as specified in 21 CFR Part 120.24; or
- (3) bear a warning label as specified in 21 CFR 101.17(g).

(b) Juice packaged in a retail food establishment shall be:

- (1) treated under a HACCP plan as specified in subsection 115(a)(2) through 115(a)(5) of this rule to attain a 5-log reduction, which is equal to a ninety-nine and nine hundred ninety-nine thousandths percent (99.999%) reduction, of the most resistant microorganism of public health significance; or
- (2) labeled, if not treated to yield a 5-log reduction of the most resistant microorganism of public health significance as specified:

- (A) under section 175 of this rule; and
- (B) in 21 CFR 101.17(g) with the phrase, "WARNING: This product has not been pasteurized and, therefore,

may contain harmful bacteria that can cause serious illness in children, the elderly, and persons with weakened immune systems."

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-152; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848*)

### 410 IAC 7-24-153 Pasteurized food and prohibited food

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 153. (a) The following apply in a retail food establishment that serves a highly susceptible population:

(1) The following criteria apply to juice:

(A) For purposes of this subdivision only, children who are nine (9) years of age or less and receive food in a school, day care setting, or similar facility that provides custodial care are included as highly susceptible populations.

(B) Prepackaged juice or a prepackaged beverage containing juice that bears a warning label as specified in 21 CFR 101.17(g) Food Labeling or packaged juice or beverage containing juice that bears a warning label as specified under section 152(b)(2) of this rule may not be served or offered for sale.

(C) Unpackaged juice that is prepared on the premises for service or sale in a ready-to-eat form shall be processed under a HACCP plan that contains the information specified in section 115(a)(2) through 115(a)(5) of this rule and as specified under 21 CFR 120.24 Process Controls.

(2) Pasteurized shell eggs or pasteurized liquid, frozen, or dry eggs or egg products shall be substituted for raw shell eggs in the preparation of the following:

(A) Foods, such as the following:

- (i) Caesar salad.
- (ii) Hollandaise or béarnaise sauce.
- (iii) Mayonnaise.
- (iv) Egg-fortified beverages.

(B) Except as specified in subdivision (5), recipes in which more than one (1) egg is broken and the eggs are combined.

(3) The following foods may not be served or offered for sale in a ready-to-eat form:

(A) Raw animal foods, such as the following:

- (i) Raw fish.
- (ii) Raw-marinated fish.
- (iii) Raw molluscan shellfish.
- (iv) Steak tartare.

(B) A partially cooked animal food, such as the following:

- (i) Lightly cooked fish.
- (ii) Rare meat.
- (iii) Soft-cooked eggs that are made from raw shell eggs.

(iv) Meringue.

(C) Raw seed sprouts.

(4) Food employees may not contact ready-to-eat food as specified under section 171(b) of this rule.

(5) Subdivision (2)(B) does not apply if:

(A) the raw eggs are combined:

- (i) immediately before cooking for one (1) consumer's serving at a single meal, cooked as specified under section 182(a)(1) of this rule, and served immediately, such as an omelet, soufflé, or scrambled eggs; or
- (ii) as an ingredient immediately before baking and the eggs are thoroughly cooked to a ready-to-eat form, such as a cake, muffin, or bread; or

(B) the preparation of the food is conducted under a HACCP plan that:

- (i) identifies the food to be prepared;
- (ii) prohibits contacting ready-to-eat food with bare hands;
- (iii) includes specifications and practices that ensure that Salmonella enteritidis growth is controlled before and after cooking, and Salmonella enteritidis is destroyed by cooking the eggs according to the temperature and time specified in section 182(a)(2) of this rule;
- (iv) contains the information specified under section 115(a)(4) of this rule including procedures that control cross-contamination of ready-to-eat food with raw eggs and delineate cleaning and sanitization procedures for food-contact surfaces; and
- (v) describes the training program that ensures that the food employee responsible for the preparation of the food understands the procedures to be used.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-153; filed Oct 13, 2004, 12:30 p.m.: 28 IR 848*)

**410 IAC 7-24-154 Fish**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 154. (a) Fish that are received for sale or service shall be:

- (1) commercially and legally produced, caught, or harvested; or
- (2) approved by the department for sale or service.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-154; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849*)

**410 IAC 7-24-155 Molluscan shellfish**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 155. (a) Molluscan shellfish shall be obtained from sources according to law and the requirements specified in the United States Department of Health and Human Ser-

vices, Public Health Service, Food and Drug Administration, National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.

(b) Molluscan shellfish received in interstate commerce shall be from sources that are listed in the Interstate Certified Shellfish Shippers List.

(c) Molluscan shellfish that are recreationally caught may not be received for sale or service.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-155; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849*)

**410 IAC 7-24-156 Shucked shellfish; packaging and identification**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 156. (a) Raw shucked shellfish shall be obtained in nonreturnable packages that bear a legible label that identifies the:

- (1) name, address, and certification number of the shucker-packer or repacker of the molluscan shellfish; and
- (2) "sell by" date for packages with a capacity of less than one-half (½) gallon or the date shucked for packages with a capacity of one-half (½) gallon or more.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-156; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849*)

**410 IAC 7-24-157 Shellstock identification**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 157. (a) Shellstock shall be obtained in containers bearing legible source identification tags or labels that are affixed by the harvester and each dealer that depurates, ships, or reships the shellstock, as specified in the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, and that list the following:

(1) Except as specified under subsection (b), on the harvester's tag or label, the following information in the following order:

- (A) The harvester's identification number that is assigned by the shellfish control authority.
- (B) The date of harvesting.
- (C) The most precise identification of the harvest location or aquaculture site that is practicable based on the system of harvest area designations that is in use by the shellfish control authority and including the abbreviation of the name of the state or country in which the shellfish are harvested.
- (D) The type and quantity of shellfish.

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(E) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty or retagged and thereafter kept on file for ninety (90) days."

(2) Except as specified in subsection (c), on each dealer's tag or label, the following information in the following order:

(A) The dealer's name and address and the certification number assigned by the shellfish control authority.

(B) The original shipper's certification number, including the abbreviation of the name of the state or country in which the shellfish are harvested.

(C) The same information as specified for a harvester's tag under subdivision (1)(B) through (1)(D).

(D) The following statement in bold, capitalized type: "This tag is required to be attached until container is empty and thereafter kept on file for ninety (90) days."

(b) A container of shellstock that does not bear a tag or label or that bears a tag or label that does not contain all the information as specified under subsection (a) shall be subject to a hold order, as allowed by law, or seizure and destruction in accordance with 21 CFR 1240.60(d).

(c) If a place is provided on the harvester's tag or label for a dealer's name, address, and certification number, the dealer's information shall be listed first.

(d) If the harvester's tag or label is designed to accommodate each dealer's identification as specified under subsection (a)(2)(A) and (a)(2)(B), individual dealer tags or labels need not be provided.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-157; filed Oct 13, 2004, 12:30 p.m.: 28 IR 849*)

### 410 IAC 7-24-158 Shellstock condition

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 158. (a) When received by a retail food establishment, shellstock shall be reasonably free of mud, dead shellfish, and shellfish with broken shells. Dead shellfish or shellstock with badly broken shells shall be discarded.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-158; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850*)

### 410 IAC 7-24-159 Molluscan shellfish original container

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 159. (a) Except as specified in subsections (b) and (c), molluscan shellfish shall not be removed from the container

in which they are received other than immediately before sale or preparation for service.

(b) Shellstock may be removed from the container in which they are received, displayed on drained ice, or held in a display container, and a quantity specified by a consumer may be removed from the display or display container and provided to the consumer if the:

- (1) source of the shellstock on display is identified as specified under section 157 of this rule and recorded as specified under section 160 of this rule; and
- (2) shellstock are protected from contamination.

(c) Shucked shellfish may be removed from the container in which they were received and held in a display container from which individual servings are dispensed upon a consumer's request if the:

- (1) labeling information for the shellfish on display as specified under section 156 of this rule is retained and correlated to the date when, or dates during which, the shellfish are sold or served; and
- (2) shellfish are protected from contamination.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-159; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850*)

### 410 IAC 7-24-160 Shellstock; maintaining identification

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 160. (a) Except as specified under subsection (b)(2), shellstock tags shall remain attached to the container in which the shellstock are received until the container is empty.

(b) The identity of the source of shellstock that are sold or served shall be maintained by retaining shellstock tags or labels for ninety (90) calendar days from the date the container is emptied by using:

- (1) a record keeping system that keeps the tags or labels in chronological order correlated to the date when, or dates during which, the shellstock are sold or served; and
- (2) only one (1) tagged or labeled container at a time if shellstock are removed from their tagged or labeled container.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-160; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850*)

### 410 IAC 7-24-161 Molluscan shellfish tanks

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 161. (a) Except as specified under subsection (b), molluscan shellfish life support system display tanks may not be used to display shellfish that are offered for human consumption and shall be conspicuously marked so that it is obvious to the consumer that the shellfish are for display only.

(b) Molluscan shellfish life support system display tanks that are used to store and display shellfish that are offered for human consumption shall be operated and maintained in compliance with a HACCP plan to ensure the following:

- (1) Water used with fish other than molluscan shellfish does not flow into the molluscan tank.
- (2) The safety and quality of the shellfish as they were received are not compromised by the use of the tank.
- (3) The identity of the source of the shellstock is retained as specified under section 160 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-161; filed Oct 13, 2004, 12:30 p.m.: 28 IR 850*)

**410 IAC 7-24-162 Parasite destruction**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 162. (a) Except as specified in subsection (b), before service or sale in ready-to-eat form, raw, raw-marinated, partially cooked, or marinated-partially cooked fish other than molluscan shellfish shall be frozen throughout to a temperature of:

- (1) minus four (4) degrees Fahrenheit or below for one hundred sixty-eight (168) hours (seven (7) days) in a freezer; or
- (2) minus thirty-one (31) degrees Fahrenheit or below for fifteen (15) hours in a blast freezer.

(b) If the fish are tuna of the species:

- (1) *Thunnus alalunga*;
- (2) *Thunnus albacares* (Yellowfin tuna);
- (3) *Thunnus atlanticus*;
- (4) *Thunnus maccoyii* (Bluefin tuna, Southern);
- (5) *Thunnus obesus* (Bigeye tuna); or
- (6) *Thunnus thynnus* (Bluefin tuna, Northern);

the fish may be served or sold in a raw, raw-marinated, or partially cooked ready-to-eat form without freezing as specified under subsection (a).

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-162; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851*)

**410 IAC 7-24-163 Records; creation and retention**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 163. (a) Except as specified in section 162(b) of this rule and subsection (b), if raw, raw-marinated, partially

cooked, or marinated-partially cooked fish are served or sold in ready-to-eat form, the person-in-charge shall record the freezing temperature and time to which the fish are subjected and shall retain the records at the retail food establishment for ninety (90) calendar days beyond the time of service or sale of the fish.

(b) If the fish are frozen by a supplier, a written agreement or statement from the supplier stipulating that the fish supplied are frozen to a temperature and for a time specified under section 162 of this rule may substitute for the records specified under subsection (a).

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-163; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851*)

**410 IAC 7-24-164 Wild mushrooms**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 164. (a) Except as specified in subsection (b), mushroom species picked in the wild shall be obtained from sources where each mushroom is individually inspected and found to be safe by a mushroom identification expert.

(b) This section does not apply to the following:

- (1) Cultivated wild mushroom species that are grown, harvested, and processed in an operation that is regulated by the food regulatory agency that has jurisdiction over the operation.
- (2) Wild mushroom species if they are in packaged form and are the product of a food processing plant that is regulated by the food regulatory agency that has jurisdiction over the plant.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-164; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851*)

**410 IAC 7-24-165 Game animals**

Authority: IC 16-42-5-5  
Affected: IC 15-2.1-24; IC 16-42-5

Sec. 165. (a) If game animals are received for sale or service they shall be slaughtered and processed under a state or federal inspection program with requirements that are at least equal to IC 15-2.1-24.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-165; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851*)

**410 IAC 7-24-166 Specifications for receiving temperatures of food**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

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Sec. 166. (a) Except as specified in subsection (b), refrigerated, potentially hazardous food shall be at a temperature of forty-one (41) degrees Fahrenheit or below when received.

(b) If a temperature other than forty-one (41) degrees Fahrenheit for a potentially hazardous food is specified in law governing its distribution, such as laws governing milk, molluscan shellfish, and shell eggs, the food may be received at the specified temperature.

(c) Potentially hazardous food that is cooked to a temperature and for a time specified under sections 182, 183, and 186 of this rule and received hot shall be at a temperature of one hundred thirty-five (135) degrees Fahrenheit or above.

(d) A food that is labeled frozen and shipped frozen by a food processing plant shall be received frozen.

(e) Upon receipt, potentially hazardous food shall be free of evidence of previous temperature abuse.

(f) For purposes of this section, a violation of subsections (a) through (e) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-166; filed Oct 13, 2004, 12:30 p.m.: 28 IR 851*)

### 410 IAC 7-24-167 Food additives

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 167. (a) Food may not contain unapproved food additives or additives that exceed amounts specified in 21 CFR 170 through 21 CFR 180 relating to food additives, generally recognized as safe or prior sanctioned substances that exceed amounts specified in 21 CFR 181 through 21 CFR 186, substances that exceed amounts specified in 9 CFR 424.21(b) food ingredients and source of radiation, or pesticide residues that exceed provisions specified in 40 CFR 185.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-167; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852*)

### 410 IAC 7-24-168 Protection from unapproved food or color additives

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 168. (a) Food shall be protected from contamination that may result from the addition of unsafe or unapproved:

- (1) food or color additives; and
- (2) levels of approved food and color additives.

(b) A food employee may not:

- (1) apply sulfiting agents to fresh fruits and vegetables intended for raw consumption or to a food considered to be a good source of vitamin B<sub>1</sub>; or

- (2) serve or sell food specified under subdivision (1) that is treated with sulfiting agents before receipt by the owner or operator of the retail food establishment, except that grapes need not meet this subdivision.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-168; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852*)

### 410 IAC 7-24-169 Ice

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 169. (a) Ice for use as a food or a cooling medium shall be made from drinking water.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-169; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852*)

### 410 IAC 7-24-170 Ice used as exterior coolant; prohibited as ingredient

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 170. (a) After use as a medium for cooling the exterior surfaces of:

- (1) food, such as melons or fish;
  - (2) packaged foods, such as canned beverages; or
  - (3) cooling coils and tubes of equipment;
- ice may not be used as food.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-170; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852*)

### 410 IAC 7-24-171 Preventing contamination from hands

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 171. (a) Food employees shall wash their hands as specified under section 128 of this rule.

(b) Except when washing fruits and vegetables as specified in section 175 of this rule, shucking oysters and clams, deveining shrimp and other crustaceans, applying a garnish, or when otherwise approved through a variance, food employees shall not contact exposed, ready-to-eat food with hands that have not been washed as specified in sections 129 and 130 of this rule and shall use suitable utensils, such as the following:

- (1) Deli tissue.
- (2) Spatulas.
- (3) Tongs.
- (4) Single-use gloves.
- (5) Dispensing equipment.

(c) Food employees shall minimize bare hand and arm contact with exposed food that is not in a ready-to-eat form.

(d) For purposes of this section, a violation of subsection (a) or (b) is a critical item.

(e) For purposes of this section, a violation of subsection (c) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-171; filed Oct 13, 2004, 12:30 p.m.: 28 IR 852*)

**410 IAC 7-24-172 Preventing contamination when tasting**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 172. (a) A food employee may not reuse a utensil once it has been used to taste food that is to be sold or served.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-172; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853*)

**410 IAC 7-24-173 Packaged and unpackaged food; separation, packaging, and segregation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 173. (a) Food shall be protected from cross-contamination by the following:

- (1) Separating raw animal foods during storage, preparation, holding, and display from:
  - (A) raw ready-to-eat food, including other raw animal food, such as fish for sushi or molluscan shellfish, or other raw ready-to-eat food, such as vegetables; and
  - (B) cooked ready-to-eat food.
- (2) Except when combined as ingredients, separating types of raw animal foods from each other, such as beef, fish, lamb, pork, and poultry during storage, preparation, holding, and display by:
  - (A) using separate equipment for each type, or arranging each type of food in equipment so that cross-contamination of one (1) type with another is prevented; and
  - (B) preparing each type of food at different times or in separate areas.
- (3) Cleaning equipment and utensils as specified under section 296(a) of this rule and sanitizing as specified under section 303 of this rule.
- (4) Cleaning hermetically sealed containers of food of visible soil before opening.
- (5) Protecting food containers that are received packaged together in a case or overwrap from cuts when the case or overwrap is opened.
- (6) Storing damaged, spoiled, or recalled food being held

in the retail food establishment as specified under section 202 of this rule.

(7) Separating fruits and vegetables, before they are washed, as specified under section 175 of this rule from ready-to-eat food.

- (b) Subsection (a)(4) does not apply to the following:
- (1) Whole, uncut raw fruits and vegetables and nuts in the shell that require peeling or hulling before consumption.
  - (2) Primal cuts, quarters, or sides of raw meat or slab bacon that are hung on clean, sanitized hooks or placed on clean, sanitized racks.
  - (3) Whole, uncut, processed meats, such as country hams and smoked or cured sausages, that are placed on clean, sanitized racks.
  - (4) Food being cooled as specified under section 190(b)(2) of this rule.
  - (5) Shellstock.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-173; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853*)

**410 IAC 7-24-174 Food storage containers; identified with common name of food**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 174. (a) Working containers holding food or food ingredients that are removed from their original packages for use in the retail food establishment, such as:

- (1) cooking oils;
- (2) flour;
- (3) herbs;
- (4) potato flakes;
- (5) salt;
- (6) spices; and
- (7) sugar;

shall be identified with the common name of the food, except that containers holding food that can be readily and unmistakably recognized, such as dry pasta, need not be identified.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-174; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853*)

**410 IAC 7-24-175 Washing fruits and vegetables**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 175. (a) Raw fruits and vegetables shall be thoroughly washed in water to remove soil and other contaminants before being cut, combined with other ingredients, cooked, served, or offered for human consumption in ready-to-eat form, except:

- (1) as specified in subsection (b); and
- (2) that whole, raw fruits and vegetables that are intended

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for washing by the consumer before consumption need not be washed before they are sold.

(b) Fruits and vegetables may be washed by using chemicals as specified under section 444 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-175; filed Oct 13, 2004, 12:30 p.m.: 28 IR 853*)

### 410 IAC 7-24-176 Storage or display of food in contact with water or ice

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 176. (a) Packaged food may not be stored in direct contact with ice or water if the food is subject to the entry of water because of the nature of its packaging, wrapping, or container or its positioning in the ice or water.

(b) Except as specified in subsections (c) and (d), unpackaged food may not be stored in direct contact with undrained ice.

(c) Whole, raw fruits or vegetables; cut, raw vegetables, such as celery or carrot sticks or cut potatoes; and tofu may be immersed in ice or water.

(d) Raw chicken and raw fish that are received immersed in ice in shipping containers may remain in that condition while in storage awaiting preparation, display, service, or sale.

(e) For purposes of this section, a violation of subsections (a) through (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-176; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854*)

### 410 IAC 7-24-177 Food storage

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 177. (a) Except as specified in subsections (b) and (c), food shall be protected from contamination by storing the food as follows:

- (1) In a clean, dry location.
- (2) Where it is not exposed to splash, dust, or other contamination.
- (3) At least six (6) inches above the floor.
- (4) In a manner to prevent overcrowding.
- (5) In packages, covered containers, or wrappings.

(b) Food in packages and working containers may be stored less than six (6) inches above the floor on case lot handling equipment.

(c) Pressurized beverage containers, cased food in waterproof containers, such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean

and not exposed to floor moisture.

(d) For purposes of this section, a violation of subsection (a)(1), (a)(2), (a)(3), (a)(4), (b), or (c) is a noncritical item.

(e) For purposes of this section, a violation of subsection (a)(5) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-177; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854*)

### 410 IAC 7-24-178 Food storage; prohibited areas

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 178. (a) Food may not be stored as follows:

(1) In the following:

- (A) Locker rooms.
- (B) Toilet rooms.
- (C) Dressing rooms.
- (D) Garbage rooms.
- (E) Mechanical rooms, when contamination is likely to occur.

(2) Under the following:

- (A) Sewer lines that are not shielded to intercept potential drips.
- (B) Leaking water lines, including leaking automatic fire sprinkler heads, or under lines on which water has condensed.
- (C) Open stairwells.
- (D) Other sources of contamination.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-178; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854*)

### 410 IAC 7-24-179 Food display

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 179. (a) Except for nuts in the shell and whole, raw fruits and vegetables that are intended for hulling, peeling, or washing by the consumer before consumption, food on display shall be protected from contamination by the use of:

- (1) packaging;
- (2) counter, service line, or salad bar food guards;
- (3) display cases; or
- (4) other effective means.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-179; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854*)

### 410 IAC 7-24-180 Condiments; protection

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 180. (a) Condiments shall be protected from contamination by being kept in:

- (1) dispensers that are designed to provide protection;
- (2) protected food displays provided with the proper utensils;
- (3) original containers designed for dispensing; or
- (4) individual packages or portions.

(b) Condiments at a vending machine location shall be in individual packages or provided in dispensers that are filled at an approved location, such as the following:

- (1) The retail food establishment that provides food to the vending machine location.
- (2) A food processing plant that is regulated by the agency that has jurisdiction over the operation.
- (3) A properly equipped facility that is located on the site of the vending machine location.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-180; filed Oct 13, 2004, 12:30 p.m.: 28 IR 854)*

**410 IAC 7-24-181 Consumer self-service operations**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 181. (a) Raw, unpackaged animal food, such as beef, lamb, pork, poultry, and fish, may not be offered for consumer self-service. This section does not apply to:

- (1) consumer self-service of ready-to-eat foods at buffets or salad bars that serve foods, such as sushi or raw shellfish; or
- (2) ready-to-cook individual portions for immediate cooking and consumption on the premises, such as:
  - (A) consumer-cooked meats or consumer-selected ingredients for Mongolian barbecue; or
  - (B) raw, frozen, shell-on shrimp or lobster.

(b) Consumer self-service operations for ready-to-eat foods shall be provided with suitable utensils or effective dispensing methods that protect the food from contamination.

(c) Consumer self-service operations, such as buffets and salad bars, shall be monitored by food employees trained in safe operating procedures.

(d) For purposes of this section, a violation of subsection (a) is a critical item.

(e) For purposes of this section, a violation of subsection (b) or (c) is a noncritical item. *(Indiana State Department of Health;*

*410 IAC 7-24-181; filed Oct 13, 2004, 12:30 p.m.: 28 IR 855)*

**410 IAC 7-24-182 Cooking of raw animal foods**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 182. (a) Except as specified under subsections (b) through (d), raw animal foods, such as eggs, fish, meat, poultry, and foods containing these raw animal foods, shall be cooked to heat all parts of the food to a temperature and for a time that complies with one (1) of the following methods based on the food that is being cooked:

- (1) One hundred forty-five (145) degrees Fahrenheit or above for fifteen (15) seconds for the following:
  - (A) Raw shell eggs that are broken and prepared in response to a consumer's order and for immediate service.
  - (B) Except as specified under subdivisions (2) and (3) and subsection (b), fish, meat, and game animal.
- (2) One hundred fifty-five (155) degrees Fahrenheit for fifteen (15) seconds or the temperature specified in the chart in subsection (b) that corresponds to the holding time for the following:
  - (A) Injected meats.
  - (B) Raw eggs, such as eggs that are pooled, that are not prepared as specified under subdivision (1).
  - (C) Comminuted meat, fish, or game animal.
- (3) One hundred sixty-five (165) degrees Fahrenheit or above for fifteen (15) seconds for the following:
  - (A) Poultry.
  - (B) Game animals.
  - (C) Stuffed:
    - (i) fish;
    - (ii) meat;
    - (iii) pasta; or
    - (iv) poultry.
  - (D) Stuffing containing fish, meat, or poultry.

(b) Whole beef roasts, corned beef roasts, pork roasts, and cured pork roasts, such as ham, shall be cooked as follows:

- (1) In an oven that is preheated to the temperature specified for the roast's weight in the chart in subdivision (3) and that is held at that temperature.
- (2) As specified in the chart in subdivision (3), to heat all parts of the food to a temperature and for the holding time that corresponds to that temperature.
- (3) The minimum cooking temperatures and holding times at a specified temperature are as follows:

MINIMUM COOKING TEMPERATURES AND HOLDING TIMES AT SPECIFIED TEMPERATURE	
165°F for 15 seconds	Poultry and foods containing poultry; stuffed meat, fish, or pasta; and stuffing containing fish or meat; foods containing game animals.
165°F for 2 minutes	Microwave cooking for raw animal foods: covered, rotated, or stirred throughout or midway through the cooking process and held for 2 minutes covered.

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158°F for 1 second 155°F for 15 seconds 150°F for 1 minute or 145°F for 3 minutes	Injected meats; comminuted raw meat, fish, or game animal; and raw shell eggs that are not prepared for immediate service (pooled or hot held).		
145°F for 15 seconds	Raw shell eggs prepared for immediate service; meat, fish, and game animal not otherwise specified in this chart.		
158°F for 0 seconds 157°F for 14 seconds 155°F for 22 seconds 153°F for 34 seconds 151°F for 54 seconds 149°F for 85 seconds 147°F for 134 seconds 145°F for 4 minutes 144°F for 5 minutes	Roasts of beef, corned beef, pork, and cured pork: Note – holding time may include post-cooking heat rise.		
	Oven Type	Roast Weight Less than 10 lbs.	Roast Weight More than 10 lbs.
142°F for 8 minutes 140°F for 12 minutes 138°F for 18 minutes 136°F for 28 minutes 135°F for 36 minutes 133°F for 56 minutes 131°F for 89 minutes or 130°F for 112 minutes	Still Dry	Oven temperature ≥ 350°F	Oven temperature ≥ 250°F
	Convection	Oven temperature ≥ 325°F	Oven temperature ≥ 250°F
	High Humidity <sup>(1)</sup>	Oven temperature ≤ 250°F	Oven temperature ≤ 250°F
135°F	Potentially hazardous food cooked for hot holding: fruits, vegetables, and potentially hazardous foods not otherwise listed that will be hot held.		

<sup>(1)</sup> Relative humidity greater than ninety (90) percent for at least 1 hour as measured in the cooking chamber or exit of the oven or in a moisture-impermeable bag that provides one hundred (100) percent humidity.

(c) A raw or undercooked whole-muscle, intact beef steak may be served or offered for sale in a ready-to-eat form if the:

- (1) food establishment serves a population that is not a highly susceptible population;
- (2) steak is labeled to indicate that it meets the definition of whole-muscle, intact beef as specified under section 142(e) of this rule; and
- (3) steak is cooked on both the top and bottom to a surface temperature of one hundred forty-five (145) degrees Fahrenheit or above and a cooked color change is achieved on all external surfaces.

(d) A raw animal food, such as:

- (1) raw egg;
- (2) raw fish;
- (3) raw-marinated fish;
- (4) raw molluscan shellfish; or
- (5) steak tartare;

or a partially cooked food, such as lightly cooked fish, soft cooked eggs, or rare meat other than whole-muscle, intact beef steaks as specified in subsection (c), may be served or offered for sale in a ready-to-eat form if the retail food establishment serves a population that is not a highly susceptible population and the consumer is informed as specified under section 196 of this rule that to ensure its safety, the food should be cooked as specified under subsection (a) or (b).

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-182; filed Oct 13, 2004, 12:30 p.m.: 28 IR 855*)

### 410 IAC 7-24-183 Microwave cooking

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 183. (a) Raw animal foods cooked in a microwave oven shall be:

- (1) rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- (2) covered to retain surface moisture;
- (3) heated to a temperature of at least one hundred sixty-five (165) degrees Fahrenheit in all parts of the food; and
- (4) allowed to stand covered for two (2) minutes after cooking to obtain temperature equilibrium.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-183; filed Oct 13, 2004, 12:30 p.m.: 28 IR 856*)

### 410 IAC 7-24-184 Microwave ovens

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 184. (a) Microwave ovens shall meet the safety

standards specified in 21 CFR 1030.10.

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-184; filed Oct 13, 2004, 12:30 p.m.: 28 IR 856*)

**410 IAC 7-24-185 Preparation for immediate service**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 185. (a) Cooked and refrigerated food that is prepared for immediate service in response to an individual consumer order, such as a roast beef sandwich au jus, may be served at any temperature.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-185; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857*)

**410 IAC 7-24-186 Cooking for hot holding**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 186. (a) Fruits, vegetables, and any potentially hazardous foods not covered under sections 182 and 183 of this rule that are cooked for hot holding shall be cooked to an internal temperature of one hundred thirty-five (135) degrees Fahrenheit.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-186; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857*)

**410 IAC 7-24-187 Potentially hazardous food; hot and cold holding**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 187. (a) Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 193 of this rule, potentially hazardous food shall be maintained as follows:**

**(1) At one hundred thirty-five (135) degrees Fahrenheit or above, except that roasts cooked to a temperature and for a time specified under section 182(b) of this rule or reheated as specified in section 188(e) of this rule may be held at a temperature of one hundred thirty (130) degrees Fahrenheit.**

**(2) At a temperature specified in the following:**

**(A) At forty-one (41) degrees Fahrenheit or less.**

**(B) At forty-five (45) degrees Fahrenheit or between forty-five (45) degrees Fahrenheit and forty-one (41) degrees Fahrenheit in existing refrigeration equipment that is not capable of maintaining the food at forty-one (41) degrees Fahrenheit or less if:**

**(i) the equipment is in place and in use in the retail food establishment; and**

**(ii) by April 29, 2010, the equipment is upgraded or**

**replaced to maintain food at a temperature of forty-one (41) degrees Fahrenheit or less.**

**(b) For purposes of this section, a violation of subsection (a) is a critical item.** (*Indiana State Department of Health; 410 IAC 7-24-187; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857*)

**410 IAC 7-24-188 Reheating for hot holding**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 188. (a) Except as specified under subsections (b), (c), and (e), potentially hazardous food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit for fifteen (15) seconds.**

**(b) Except as specified under subsection (c), potentially hazardous food reheated in a microwave oven for hot holding shall be reheated so that all parts of the food reach a temperature of at least one hundred sixty-five (165) degrees Fahrenheit and the food is rotated or stirred, covered, and allowed to stand covered for two (2) minutes after reheating.**

**(c) Ready-to-eat food taken from:**

**(1) a commercially processed, hermetically sealed container; or**

**(2) an intact package from a food processing plant that is inspected by the food regulatory authority that has jurisdiction over the plant;**

**shall be heated to a temperature of at least one hundred thirty-five (135) degrees Fahrenheit for hot holding.**

**(d) Reheating for hot holding shall be done rapidly, and the time the food is between the temperature specified under section 187(a)(2) or 187(a)(3) [*sic.*] of this rule and one hundred sixty-five (165) degrees Fahrenheit may not exceed two (2) hours.**

**(e) Remaining unsliced portions of roasts of beef that are cooked as specified under section 182(b) of this rule may be reheated for hot holding using the oven parameters and minimum time and temperature conditions specified under section 182(b) of this rule.**

**(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a critical item.** (*Indiana State Department of Health; 410 IAC 7-24-188; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857*)

**410 IAC 7-24-189 Potentially hazardous food; cooling**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 189. (a) Cooked potentially hazardous food shall be cooled as follows:**

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(1) Within two (2) hours, from one hundred thirty-five (135) degrees Fahrenheit to seventy (70) degrees Fahrenheit.

(2) Within four (4) hours, from seventy (70) degrees Fahrenheit to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 187(a)(2) of this rule.

(3) The entire cooling process must be completed within six (6) continuous hours.

(b) Potentially hazardous food shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or to forty-five (45) degrees Fahrenheit as specified under section 187(a)(2) of this rule if prepared from ingredients at ambient temperature, such as reconstituted foods and canned tuna.

(c) Except as specified in subsection (d), a potentially hazardous food received in compliance with laws allowing a temperature above forty-one (41) degrees Fahrenheit during shipment from the supplier as specified in section 166(b) of this rule, shall be cooled within four (4) hours to forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(3) [sic.] of this rule.

(d) Shell eggs need not comply with subsection (c) if the eggs are placed immediately upon their receipt in refrigerated equipment that is capable of maintaining food at forty-one (41) degrees Fahrenheit or less, or forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(3) [sic.] of this rule.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-189; filed Oct 13, 2004, 12:30 p.m.: 28 IR 857*)

### 410 IAC 7-24-190 Cooling methods

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 190. (a) Cooling shall be accomplished in accordance with the time and temperature criteria specified under section 189 of this rule by using one (1) or more of the following methods based on the type of food being cooled:

- (1) Placing the food in shallow pans.
- (2) Separating the food into smaller or thinner portions.
- (3) Using rapid cooling equipment.
- (4) Stirring the food in a container placed in an ice water bath.
- (5) Using containers that facilitate heat transfer.
- (6) Adding ice as an ingredient.
- (7) Other effective methods.

(b) When placed in cooling or cold holding equipment, food containers in which food is being cooled shall be:

(1) arranged in the equipment to provide maximum heat transfer through the container walls; and

(2) loosely covered, or uncovered if protected from overhead contamination as specified under section 177(a)(2) of this rule, during the cooling period to facilitate heat transfer from the surface of the food.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-190; filed Oct 13, 2004, 12:30 p.m.: 28 IR 858*)

### 410 IAC 7-24-191 Ready-to-eat, potentially hazardous food; date marking

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 191. (a) Except as specified in subsection (d), refrigerated, ready-to-eat, potentially hazardous food prepared and held in a retail food establishment for more than twenty-four (24) hours shall be clearly marked to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on one (1) of the temperature and time combinations specified as follows and the day of preparation shall be counted as day one (1):

(1) Forty-one (41) degrees Fahrenheit or less for a maximum of seven (7) days.

(2) Forty-five (45) degrees Fahrenheit or between forty-one (41) degrees Fahrenheit and forty-five (45) degrees Fahrenheit for a maximum of four (4) days in existing refrigeration equipment that is not capable of maintaining the food at forty-one (41) degrees Fahrenheit or less if:

(A) the equipment is in place and in use in the food establishment; and

(B) the equipment is upgraded or replaced to maintain food at a temperature of forty-one (41) degrees Fahrenheit or less as specified in section 187(a)(2)(B)(ii) of this rule.

(b) Except as specified in (d) and (e) of this section [subsections (d) and (e)], refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by a food processing plant shall be clearly marked, at the time the original container is opened in a retail food establishment and if the food is held for more than twenty-four (24) hours, to indicate the date or day by which the food shall be consumed on the premises, sold, or discarded, based on the temperature and time combinations specified in subsection (a) and:

(1) the day the original container is opened in the retail food establishment shall be counted as day one (1); and

(2) the day or date marked by the retail food establishment may not exceed a manufacturer's "use by" date if the manufacturer determined the "use by" date based on food safety.

(c) A refrigerated, ready-to-eat, potentially hazardous

food that is frequently rewrapped, such as lunchmeat or a roast, or for which date marking is impractical, such as soft serve mix or milk in a dispensing machine, may be marked as specified in subsection (a) or (b) of this section, or by an alternative method, such as:

- (1) a logging system that tracks the batch or lot;
- (2) tagging the batch or lot in a manner that effectively identifies the food to be monitored; or
- (3) other *[sic.]* any other method that identifies the date by which the food must be consumed or discarded.

(d) Subsections (a) and (b) do not apply to individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(e) Subsection (b) does not apply to the following when the face has been cut, but the remaining portion is whole and intact:

- (1) Fermented sausages produced in a federally inspected food processing plant that are not labeled "Keep Refrigerated" and which retain the original casing on the product.
- (2) Shelf stable, dry, fermented sausages; and
- (3) Shelf stable salt-cured products such as prosciutto and parma (ham) produced in a federally inspected food processing plant that are not labeled "Keep Refrigerated".

(f) A refrigerated, ready-to-eat, potentially hazardous food ingredient or a portion of a refrigerated, ready-to-eat, potentially hazardous food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest-prepared or first-prepared ingredient.

(g) For the purposes of this section, a violation of subsections *[subsection]* (a), (b), (c), (d), (e), or (f) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-191; filed Oct 13, 2004, 12:30 p.m.: 28 IR 858*)

**410 IAC 7-24-192      Disposition of ready-to-eat potentially hazardous food; date marking**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 192. (a) A food specified in section 191(a) or 191(b) of this rule shall be discarded if it:

- (1) exceeds either of the temperature and time combinations specified in section 191(a) of this rule, except time that the product is frozen;
- (2) is in a container or package that does not bear a date or day; or
- (3) is appropriately marked with a date or day that exceeds a temperature and time combination as specified in section 191(a) of this rule.

(b) Refrigerated, ready-to-eat, potentially hazardous food

prepared in a retail food establishment and dispensed through a vending machine with an automatic shutoff control shall be discarded if it exceeds a temperature and time combination as specified in section 191(a) of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-192; filed Oct 13, 2004, 12:30 p.m.: 28 IR 859*)

**410 IAC 7-24-193      Time as a public health control**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 193. (a) Except as specified under subsection (b), if time only, rather than time in conjunction with temperature, is used as the public health control for a working supply of potentially hazardous food before cooking or for ready-to-eat potentially hazardous food that is displayed or held for service for immediate consumption:

- (1) the food shall be:
  - (A) clearly marked or otherwise identified to indicate the time that is four (4) hours past the point in time; and
  - (B) cooked and served, served if ready-to-eat, or discarded, within four (4) hours from the point in time; when the food is removed from temperature control;
- (2) the food in unmarked containers or packages or marked to exceed a four (4) hour limit shall be discarded; and
- (3) written procedures shall be:
  - (A) approved by the regulatory authority prior to use; and
  - (B) maintained in the retail food establishment and made available to the regulatory authority, upon request, that ensure compliance with:
    - (i) this section; and
    - (ii) section 189 of this rule for food that is prepared, cooked, and refrigerated before time is used as a public health control.

(b) In a retail food establishment that serves a highly susceptible population, time alone shall not be used as the public health control for raw eggs.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-193; filed Oct 13, 2004, 12:30 p.m.: 28 IR 859*)

**410 IAC 7-24-194      Confidentiality of trade secrets**

Authority: IC 16-42-5-5  
Affected: IC 5-14-3; IC 16-42-5; IC 24-2-3

Sec. 194. (a) The regulatory authority shall treat as confidential in accordance with IC 24-2-3 and IC 5-14-3:

- (1) the information contained in plans and specifications listed in section 111 of this rule;
- (2) a HACCP plan; or

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(3) inspection report forms that meet the criteria of a trade secret.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-194; filed Oct 13, 2004, 12:30 p.m.: 28 IR 859*)

### 410 IAC 7-24-195 Reduced oxygen packaging; criteria

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 195. (a) Except for a food establishment that obtains a variance as specified under section 114 of this rule, a retail food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall ensure that there are at least two (2) barriers in place to control the growth and toxin formation of *Clostridium botulinum*.

(b) A food establishment that packages food using a reduced oxygen packaging method and *Clostridium botulinum* is identified as a microbiological hazard in the final packaged form shall have a HACCP plan that contains the information specified under section 115(a)(4) of this rule and that does the following:

- (1) Identifies the food to be packaged.
- (2) Limits the food packaged to a food that does not support the growth of *Clostridium botulinum* because it complies with one (1) or more of the following:
  - (A) Has an  $a_w$  of 0.91 or less.
  - (B) Has a pH of 4.6 or less.
  - (C) Is a meat or poultry product cured at a food processing plant regulated by the United States Department of Agriculture using substances specified in 9 CFR 424.21 and is received in an intact package.
  - (D) Is a food with a high level of competing organisms such as raw meat or raw poultry.
- (3) Specifies methods for maintaining food at forty-one (41) degrees Fahrenheit or below.
- (4) Describes how the packages shall be prominently and conspicuously labeled on the principal display panel in bold type on a contrasting background with instructions to:
  - (A) maintain the food at forty-one (41) degrees Fahrenheit or below; and
  - (B) discard the food if within fourteen (14) calendar days of its packaging, it is not served for on-premises consumption, consumed if served, or sold for off-premises consumption.
- (5) Limits the refrigerated shelf life to not more than fourteen (14) calendar days from packaging to consumption, except the time the product is maintained frozen, or the original manufacturer's "sell by" or "use by" date, whichever occurs first.
- (6) Includes operational procedures that:
  - (A) prohibit contacting food with bare hands;

(B) identify a designated area and the method by which:

- (i) physical barriers or methods of separation of raw foods and ready-to-eat foods minimize cross-contamination; and
- (ii) access to the processing equipment is limited to responsible, trained personnel familiar with the potential hazards of the operation; and

(C) delineate cleaning and sanitization procedures for food-contact surfaces.

(7) Describes the training program that ensures that the individual responsible for the reduced oxygen packaging operation understands the following:

- (A) Concepts required for a safe operation.
- (B) Equipment and facilities.
- (C) Procedures specified under subdivision (6) and section 115(a)(4) of this rule.

(c) Except for fish that is frozen before, during, and after packaging, a food establishment may not package fish using a reduced oxygen packaging method.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-195; filed Oct 13, 2004, 12:30 p.m.: 28 IR 860*)

### 410 IAC 7-24-196 Consumption of raw or undercooked foods of animal origin

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 196. (a) Except as specified in sections 182(c), 182(d)(3), and 153 of this rule, if an animal food such as:

- (1) beef;
- (2) eggs;
- (3) fish;
- (4) lamb;
- (5) milk;
- (6) pork;
- (7) poultry; or
- (8) shellfish;

is served or sold raw, undercooked, or without otherwise being processed to eliminate pathogens, either in ready-to-eat form or as an ingredient in another ready-to-eat food, the owner or operator of the retail food establishment shall inform consumers of the significantly increased risk of consuming such foods by way of a disclosure and reminder, as specified in subsections (b) and (c) using brochures, deli case or menu advisories, label statements, table tents, placards, or other effective written or visual means.

(b) A disclosure shall include:

- (1) a description of the animal-derived foods, such as:
  - (A) oysters on the half shell (raw oysters);
  - (B) raw-egg caesar salad; and
  - (C) hamburgers (can be cooked to order); or
- (2) identification of the animal-derived foods by

asterisking them to a footnote that states that the items are served raw or undercooked or contain (or may contain) raw or undercooked ingredients.

(c) A reminder shall include asterisking the animal-derived foods requiring disclosure to a footnote that states one (1) of the following:

- (1) Regarding the safety of these items, written information is available upon request.
- (2) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness.
- (3) Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness, especially if you have certain medical conditions.

(d) Long term care health facilities and other institutional facilities, which provide meals to residents who are at least sixty-five (65) years of age, shall provide written information to resident consumers informing them of the risks associated with consuming food described in subsection (a). The facility shall have a record of the notice on file as long as residency is maintained at the facility by the consumer.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-196; filed Oct 13, 2004, 12:30 p.m.: 28 IR 860*)

**410 IAC 7-24-197 Time and temperature control of frozen food**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 197. (a) Stored frozen foods shall be maintained frozen and should be stored at zero (0) degrees Fahrenheit.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-197; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861*)

**410 IAC 7-24-198 Potentially hazardous food; slacking**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 198. (a) Frozen potentially hazardous food that is slacked to moderate the temperature shall be held:

- (1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit or less or at forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(2)(B) of this rule; or
- (2) at any temperature if the food remains frozen.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health;*

*410 IAC 7-24-198; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861*)

**410 IAC 7-24-199 Thawing of food**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 199. (a) Except as specified in subdivision (4), potentially hazardous food shall be thawed:

- (1) under refrigeration that maintains the food temperature at forty-one (41) degrees Fahrenheit or less or at forty-five (45) degrees Fahrenheit or less as specified under section 187(a)(2)(B) of this rule;
- (2) completely submerged under running water:

- (A) at a water temperature of seventy (70) degrees Fahrenheit or below;
- (B) with sufficient water velocity to agitate and float off loose particles in an overflow;

- (C) for a period of time that does not allow thawed portions of ready-to-eat food to rise above forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(2)(B) of this rule; or
- (D) for a period of time that does not allow thawed portions of a raw animal food requiring cooking as specified under section 182(a) or 182(b) of this rule to be above forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(3) [*sic.*] of this rule, for more than four (4) hours including the time:

- (i) the food is exposed to the running water and the time needed for preparation for cooking; or
- (ii) it takes under refrigeration to lower the food temperature to forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(2)(B) of this rule;

- (3) as part of a cooking process if the food that is frozen is:
  - (A) cooked as specified under section 182(a), 182(b), or 183 of this rule; or
  - (B) thawed in a microwave oven and immediately transferred to conventional cooking equipment with no interruption in the process; or

- (4) using any procedure if a portion of frozen ready-to-eat food is thawed and prepared for immediate service in response to an individual consumer's order.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-199; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861*)

**410 IAC 7-24-200 Food contact with equipment and utensils**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 200. (a) Food shall only contact surfaces of equipment and utensils that are cleaned as specified under sections 248, 276, 287, and 295 through 302 of this rule and sanitized as specified under section 303 of this rule.

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(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-200; filed Oct 13, 2004, 12:30 p.m.: 28 IR 861*)

### 410 IAC 7-24-201 Returned food; reservice or sale

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 201. (a) Except as specified in subsection (b), after being served or sold and in the possession of a consumer, food that is unused or returned by the consumer may not be offered as food for human consumption.

(b) Except as specified under section 153(a)(3) of this rule, a container of food that is not potentially hazardous may be transferred from one (1) consumer to another if:

- (1) the food is dispensed so that it is protected from contamination and the container is closed between uses, such as a narrow-neck bottle containing catsup, steak sauce, or wine; or
- (2) the food, such as crackers, salt, or pepper, is in an unopened original package and is maintained in sound condition.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-201; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862*)

### 410 IAC 7-24-202 Segregation of distressed merchandise

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 202. (a) Products that are held by the owner or operator in a retail food establishment for credit, redemption, or return to the distributor, such as damaged, spoiled, or recalled products, shall be segregated and held in designated areas that are separated from:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; and
- (5) single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-202; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862*)

### 410 IAC 7-24-203 Food preparation

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 203. (a) During preparation, unpackaged food shall be protected from environmental sources of contamination.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health;*

*410 IAC 7-24-203; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862*)

### 410 IAC 7-24-204 Miscellaneous sources of contamination

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 204. (a) Food shall be protected from contamination that may result from a factor or source not specified under section 151, 168, 170 through 181, 200, 201, 203, 234, 236, 245 through 247, 249, or 260 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or an environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-204; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862*)

### 410 IAC 7-24-205 Characteristics of materials for utensils and food-contact surfaces

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 205. (a) Materials that are used in the construction of utensils and food-contact surfaces of equipment may not allow the migration of deleterious substances or impart colors, odors, or tastes to food and under normal use conditions shall be as follows:

- (1) Safe.
- (2) Durable, corrosion-resistant, and nonabsorbent.
- (3) Sufficient in weight and thickness to withstand repeated warewashing.
- (4) Finished to have a smooth, easily cleanable surface.
- (5) Resistant to the following:
  - (A) Pitting.
  - (B) Chipping.
  - (C) crazing.
  - (D) Scratching.
  - (E) Scoring.
  - (F) Distortion.
  - (G) Decomposition.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-205; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862*)

### 410 IAC 7-24-206 Cast iron; use limitation

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 206. (a) Except as specified in this section, cast iron may not be used for utensils or food-contact surfaces of equipment.

(b) Cast iron may be used as a surface for cooking.

(c) Cast iron may be used in utensils for serving food if the

utensils are used only as part of an uninterrupted process from cooking through service.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-206; filed Oct 13, 2004, 12:30 p.m.: 28 IR 862*)

**410 IAC 7-24-207 Lead in ceramic, china, and crystal utensils; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 207. (a) Ceramic, china, crystal utensils, and decorative utensils, such as hand-painted ceramic or china, that are used in contact with food shall be lead-free or contain levels of lead not exceeding the limits of the following utensil categories:

Utensil Category	Description	Maximum Lead ppm
Hot Beverage Mugs	Coffee Mugs	0.5
Large Hollowware	Bowls ≥ 1.16 Quart	1
Small Hollowware	Bowls < 1.16 Quart	2.0
Flat Utensils	Plates, Saucers	3.0

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-207; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863*)

**410 IAC 7-24-208 Copper; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 208. (a) Except as specified in subsection (b), copper and copper alloys, such as brass, may not be used in contact with:

- (1) a food that has a pH below 6, such as vinegar, fruit juice, or wine; or
- (2) for a fitting or tubing installed between a backflow prevention device and a carbonator.

(b) Copper and copper alloys may be used in contact with beer brewing ingredients that have a pH below 6 in the prefermentation and fermentation steps of a beer brewing operation, such as a brew pub or microbrewery.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-208; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863*)

**410 IAC 7-24-209 Galvanized metal; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 209. (a) Galvanized metal may not be used for utensils

or food-contact surfaces of equipment that are used in contact with acidic food.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-209; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863*)

**410 IAC 7-24-210 Sponges; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 210. (a) Sponges may not be used in contact with cleaned and sanitized or in-use food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-210; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863*)

**410 IAC 7-24-211 Lead in pewter alloys; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 211. (a) Pewter alloys containing lead in excess of five-hundredths percent (0.05%) may not be used as a food-contact surface.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-211; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863*)

**410 IAC 7-24-212 Lead in solder and flux; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 212. (a) Solder and flux containing lead in excess of two-tenths percent (0.2%) may not be used as a food-contact surface.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-212; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863*)

**410 IAC 7-24-213 Wood; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 213. (a) Except as specified in this section, wood and wood wicker may not be used as a food-contact surface.

(b) Hard maple or an equivalently hard, close-grained wood may be used for the following:

- (1) Cutting boards, cutting blocks, bakers' tables, and utensils, such as the following:
  - (A) Rolling pins.
  - (B) Doughnut dowels.
  - (C) Salad bowls.
  - (D) Chopsticks.

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(2) Wooden paddles used in confectionery operations for pressure scraping kettles when manually preparing confections at a temperature of two hundred thirty (230) degrees Fahrenheit or above.

(c) Whole, uncut raw fruits and vegetables and nuts in the shell may be kept in the wood shipping containers in which they were received until the fruits, vegetables, or nuts are used.

(d) If the nature of the food requires removal of rinds, peels, husks, or shells before consumption, the whole, uncut, raw food may be kept in:

- (1) untreated wood containers; or
- (2) treated wood containers if the containers are treated with a preservative that meets the requirements specified in 21 CFR 178.3800.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-213; filed Oct 13, 2004, 12:30 p.m.: 28 IR 863*)

### 410 IAC 7-24-214 Food equipment; cutting surfaces

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 214. (a) Surfaces, such as cutting blocks and boards, that are subject to scratching and scoring shall be resurfaced if they can no longer be effectively cleaned and sanitized or discarded if they are not capable of being resurfaced.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-214; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864*)

### 410 IAC 7-24-215 Nonstick coatings; use limitation

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 215. (a) Multiuse kitchenware, such as:

- (1) frying pans;
- (2) griddles;
- (3) sauce pans;
- (4) cookie sheets; and
- (5) waffle bakers;

that have a perfluorocarbon resin coating shall be used with nonscoring or nonscratching utensils and cleaning aids.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-215; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864*)

### 410 IAC 7-24-216 Nonfood-contact surfaces

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 216. (a) Nonfood-contact surfaces of equipment that

are exposed to splash, spillage, or other food soiling or that require frequent cleaning shall be constructed of a corrosion-resistant, nonabsorbent, and smooth material.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-216; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864*)

### 410 IAC 7-24-217 Durability and strength of equipment and utensils

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 217. (a) Equipment and utensils shall be designed and constructed to be durable and to retain their characteristic qualities under normal use conditions.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-217; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864*)

### 410 IAC 7-24-218 Repair and proper adjustment of equipment

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 218. (a) Equipment shall be maintained in a state of repair and condition that meets the requirements specified under section 112, 161, 205 through 217, 219 through 226, 229 through 232, 240, 253 through 256, 261 through 266, 271, 277 through 279, 280 through 282, 288, 305, 306, or 333 of this rule.

(b) Equipment components, such as:

- (1) doors;
- (2) seals;
- (3) hinges;
- (4) fasteners; and
- (5) kick plates;

shall be kept intact, tight, and adjusted in accordance with manufacturer's specifications.

(c) Cutting or piercing parts of can openers shall be kept sharp to minimize the creation of metal fragments that can contaminate food when the container is opened.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-218; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864*)

### 410 IAC 7-24-219 "V" threads; use limitation

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 219. (a) "V" type threads may not be used on food-contact surfaces. This section does not apply to hot oil cooking or filtering equipment.

(b) For purposes of this section, a violation of subsection

**(a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-219; filed Oct 13, 2004, 12:30 p.m.: 28 IR 864*)

**410 IAC 7-24-220 Hot oil filtering equipment**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 220. (a) Hot oil filtering equipment shall meet the characteristics specified under section 229 or 230 of this rule and shall be readily accessible for filter replacement and cleaning of the filter.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-220; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865*)

**410 IAC 7-24-221 Kick plates; removable**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 221. (a) Kick plates shall be designed so that the areas behind them are accessible for inspection and cleaning by being:**

- (1) removable by one (1) of the methods specified under section 229 of this rule or capable of being rotated open; and**
- (2) removable or capable of being rotated open without unlocking equipment doors.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-221; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865*)

**410 IAC 7-24-222 Equipment openings, closures, and deflectors**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 222. (a) A cover or lid for equipment shall overlap the opening and be sloped to drain.**

**(b) An opening located within the top of a unit of equipment that is designed for use with a cover or lid shall be flanged upward at least two-tenths (.2) of an inch.**

**(c) Except as specified under subsection (d):**

- (1) fixed piping;**
- (2) temperature measuring devices;**
- (3) rotary shafts; and**
- (4) other parts extending into equipment;**

**shall be provided with a watertight joint at the point where the item enters the equipment.**

**(d) If a watertight joint is not provided:**

- (1) the piping, temperature measuring devices, rotary shafts, and other parts extending through the openings shall be equipped with an apron designed to deflect condensation, drips, and dust from openings into the food; and**

**(2) the opening shall be flanged as specified in subsection (b).**

**(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-222; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865*)

**410 IAC 7-24-223 Bearings and gearboxes; leakproof**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 223. (a) Equipment containing bearings and gears that require lubricants shall be designed and constructed so that the lubricant cannot leak, drip, or be forced into food or onto food-contact surfaces.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-223; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865*)

**410 IAC 7-24-224 Beverage tubing; separation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 224. (a) Beverage tubing and cold-plate beverage cooling devices may not be installed in contact with ice stored for human consumption. This section does not apply to cold plates that are constructed integrally with an ice storage bin.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-224; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865*)

**410 IAC 7-24-225 Condenser unit; separation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 225. (a) If a condenser unit is an integral component of equipment, the condenser unit shall be separated from the food and food storage space by a dustproof barrier.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-225; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865*)

**410 IAC 7-24-226 Equipment compartments; drainage**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 226. (a) Equipment compartments that are subject to accumulation of moisture due to conditions, such as:**

- (1) condensation;**
- (2) food or beverage drip; or**
- (3) water from melting ice;**

**shall be sloped to an outlet that allows complete draining.**

**(b) For purposes of this section, a violation of subsection**

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(a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-226; filed Oct 13, 2004, 12:30 p.m.: 28 IR 865*)

### 410 IAC 7-24-227 Fixed equipment; spacing or sealing

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 227. (a) Equipment that is fixed because it is not easily movable shall be installed so that it is:

- (1) spaced to allow access for cleaning along the sides, behind, and above the equipment;
- (2) spaced from adjoining equipment, walls, and ceilings a distance of not more than one thirty-second ( $\frac{1}{32}$ ) inch; or
- (3) sealed to adjoining equipment or walls, if the equipment is exposed to spillage or seepage.

(b) Table-mounted equipment that is not easily movable shall be installed to allow cleaning of the equipment and areas underneath and around the equipment by being:

- (1) sealed to the table; or
- (2) elevated on legs as specified under section 228(d) of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-227; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866*)

### 410 IAC 7-24-228 Fixed equipment; elevation or sealing

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 228. (a) Except as specified in subsections (b) and (c), floor-mounted equipment that is not easily movable shall be sealed to the floor or elevated on legs that provide at least a six (6) inch clearance between the floor and the equipment.

(b) If no part of the floor under the floor-mounted equipment is more than six (6) inches from the point of cleaning access, the clearance space may be only four (4) inches.

(c) This section does not apply to display:

- (1) shelving units;
- (2) refrigeration units; and
- (3) freezer units;

located in consumer shopping areas, such as in a grocery store, if the floor under the units is maintained clean.

(d) Except as specified in subsection (e), table-mounted equipment that is not easily movable shall be elevated on legs that provide at least a four (4) inch clearance between the table and the equipment.

(e) The clearance space between the table and table-mounted equipment may be:

- (1) three (3) inches if the horizontal distance of the table top under the equipment is no more than twenty (20)

inches from the point of access for cleaning; or

(2) two (2) inches if the horizontal distance of the table top under the equipment is no more than three (3) inches from the point of access for cleaning.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-228; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866*)

### 410 IAC 7-24-229 Cleanability of food-contact surfaces

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 229. (a) Multiuse food-contact surfaces shall be as follows:

- (1) Smooth.
- (2) Free of the following:
  - (A) Breaks.
  - (B) Open seams.
  - (C) Cracks.
  - (D) Chips.
  - (E) Inclusions.
  - (F) Pits.
  - (G) Similar imperfections.
- (3) Free of sharp internal angles, corners, and crevices.
- (4) Finished to have smooth welds and joints.
- (5) Except as specified in subsection (b), accessible for cleaning and inspection either:
  - (A) without being disassembled;
  - (B) by disassembling without the use of tools; or
  - (C) by easily disassembling with the use of handheld tools commonly available to maintenance and cleaning personnel, such as the following:
    - (i) Screwdrivers.
    - (ii) Pliers.
    - (iii) Open-end wrenches.
    - (iv) Allen wrenches.

(b) Subsection (a)(5) does not apply to the following:

- (1) Cooking oil storage tanks.
- (2) Distribution lines for cooking oils.
- (3) Beverage syrup lines or tubes.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-229; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866*)

### 410 IAC 7-24-230 CIP equipment

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 230. (a) CIP equipment shall meet the characteristics specified under section 229 of this rule and shall be designed and constructed so that:

- (1) cleaning and sanitizing solutions circulate throughout a fixed system and contact all interior food-contact surfaces; and
- (2) the system is self-draining or capable of being completely drained of cleaning and sanitizing solutions.

(b) CIP equipment that is not designed to be disassembled for cleaning shall be designed with inspection access points to ensure that all interior food-contact surfaces throughout the fixed system are being effectively cleaned.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-230; filed Oct 13, 2004, 12:30 p.m.: 28 IR 866*)

**410 IAC 7-24-231     Cleanability of can openers**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 231. (a) Cutting or piercing parts of can openers shall be readily removable for cleaning and for replacement.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-231; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867*)

**410 IAC 7-24-232     Cleanability of nonfood-contact surfaces**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 232. (a) Nonfood-contact surfaces shall be free of unnecessary ledges, projections, and crevices and designed and constructed to allow easy cleaning and to facilitate maintenance.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-232; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867*)

**410 IAC 7-24-233     Utensils; consumer self-service**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 233. (a) A food dispensing utensil shall be available for each container displayed at a consumer self-service unit, such as a buffet or salad bar.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-233; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867*)

**410 IAC 7-24-234     In-use utensils; between-use storage**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 234. (a) During pauses in food preparation or dispensing, food preparation and dispensing utensils shall be

stored in one (1) of the following ways:

- (1) Except as specified under subdivision (2), in the food with their handles above the top of the food and the container.
- (2) In food that is not potentially hazardous with their handles above the top of the food within containers or equipment that can be closed, such as bins of ice, sugar, flour, or cinnamon.
- (3) On a clean portion of the food preparation table or cooking equipment if both the in-use utensil and food-contact surfaces of food preparation tables or cooking equipment are cleaned and sanitized at a frequency specified under section 296, 297, or 303 of this rule.
- (4) In running water of sufficient velocity to flush particulates to the drain if used with moist food, such as ice cream or mashed potatoes.
- (5) In a clean, protected location if the utensils, such as ice scoops, are used only with a food that is not potentially hazardous.
- (6) In water maintained clean and at a temperature of at least one hundred thirty-five (135) degrees Fahrenheit.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-234; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867*)

**410 IAC 7-24-235     Good repair and calibration**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 235. (a) Utensils shall be maintained in a state of repair or condition that complies with the requirements specified under section 112, 161, 205 through 217, 219 through 226, 229 through 232, 240, 253 through 256, 261 through 266, 271, 277 through 279, 281, 282, 288, 305, 306, or 333 of this rule or shall be discarded.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-235; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867*)

**410 IAC 7-24-236     Linens and napkins; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 236. (a) Linens and napkins may not be used in contact with food unless they are used temporarily to line a container for the service of foods and the linens and napkins are replaced each time the container is refilled for a new consumer.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-236; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867*)

**410 IAC 7-24-237     Clean linens**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 237. (a) Clean linens shall be free from food residues and other soiling matter.

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(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-237; filed Oct 13, 2004, 12:30 p.m.: 28 IR 867*)

### 410 IAC 7-24-238 Storage of soiled linens

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 238. (a) Soiled linens shall be kept in clean, nonabsorbent receptacles or clean, washable laundry bags and stored and transported to prevent contamination of the following:

- (1) Food.
- (2) Clean equipment.
- (3) Clean utensils.
- (4) Single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-238; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868*)

### 410 IAC 7-24-239 Equipment, utensils, and linens

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 239. (a) Except as specified in subsection (c), cleaned equipment and utensils, laundered linens, and single-service and single-use articles shall be stored as follows:

- (1) In a clean, dry location.
- (2) Where they are not exposed to splash, dust, or other contamination.
- (3) At least six (6) inches above the floor.
- (4) In a manner to prevent overcrowding.

(b) Clean equipment and utensils shall be stored as follows:

- (1) As specified in subsection (a).
- (2) In a self-draining position that allows air drying.
- (3) Covered or inverted.

(c) Items that are kept in closed packages may be stored less than six (6) inches above the floor on the following:

- (1) Dollies.
- (2) Pallets.
- (3) Racks.
- (4) Skids.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-239; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868*)

### 410 IAC 7-24-240 Characteristics of materials used in single-service and single-use articles

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 240. (a) Materials that are used to make single-service

and single-use articles may not:

- (1) allow the migration of deleterious substances; or
- (2) impart colors, odors, or tastes to food.

(b) These materials shall be:

- (1) safe; and
- (2) clean.

(c) For purposes of this section, a violation of subsection (a)(1) or (b)(1) is a critical item.

(d) For purposes of this section, a violation of subsection (a)(2) or (b)(2) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-240; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868*)

### 410 IAC 7-24-241 Single-service and single-use articles; required use

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 241. (a) An owner or operator of a retail food establishment without facilities specified under section 248, 276, 287, or 295 through 303 of this rule for cleaning and sanitizing kitchenware and tableware shall provide only single-use kitchenware, single-service articles, and single-use articles for use by food employees and single-service articles for use by consumers.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-241; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868*)

### 410 IAC 7-24-242 Single-service, single-use, and shell articles; use limitation

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 242. (a) Single-service and single-use articles may not be reused.

(b) Mollusk and crustacea shells and cedar planks may not be used more than once as serving containers.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-242; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868*)

### 410 IAC 7-24-243 Single-service and single-use articles

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 243. (a) Except as specified in subsection (c), single-service and single-use articles shall be stored as follows:

- (1) In a clean, dry location.
- (2) Where they are not exposed to splash, dust, or other contamination.
- (3) At least six (6) inches above the floor.

(4) In a manner to prevent overcrowding.

(b) Single-service and single-use articles shall be stored as specified under subsection (a) and shall be kept in the original protective package or stored by using other means that afford protection from contamination until used.

(c) Items that are kept in closed packages may be stored less than six (6) inches above the floor on the following:

- (1) Dollies.
- (2) Pallets.
- (3) Racks.
- (4) Skids.

(d) For purposes of this section, a violation of subsections (a) through (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-243; filed Oct 13, 2004, 12:30 p.m.: 28 IR 868*)

**410 IAC 7-24-244 Storage prohibitions**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 244. (a) Except as specified in subsection (b), cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be stored as follows:

- (1) In the following:
  - (A) Locker rooms.
  - (B) Toilet rooms.
  - (C) Garbage rooms.
  - (D) Mechanical rooms, when contamination is likely to occur.
- (2) Under the following:
  - (A) Sewer lines that are not shielded to intercept potential drips.
  - (B) Leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed.
  - (C) Open stairwells.
  - (D) Other sources of contamination.

(b) Laundered linens and single-service and single-use articles that are packaged or in a facility, such as a cabinet, may be stored in a locker room.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-244; filed Oct 13, 2004, 12:30 p.m.: 28 IR 869*)

**410 IAC 7-24-245 Wiping cloths; used for one purpose**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 245. (a) Cloths that are in use for wiping food spills shall be used for no other purpose.

(b) Cloths used for wiping food spills shall be:

- (1) dry and used for wiping food spills from tableware and carry-out containers; or
- (2) wet and cleaned as specified under section 312(d) of this rule, stored in a chemical sanitizer as specified under section 294 of this rule, and used for wiping spills from food-contact and nonfood-contact surfaces of equipment.

(c) Wet or dry cloths that are used with raw animal foods shall be kept separate from cloths used for other purposes, and wet cloths used with raw animal foods shall be kept in a separate sanitizing solution.

(d) Wet wiping cloths used with a freshly made sanitizing solution and dry wiping cloths shall be free of food debris and visible soil.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-245; filed Oct 13, 2004, 12:30 p.m.: 28 IR 869*)

**410 IAC 7-24-246 Gloves; use limitation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 246. (a) If used, single-use gloves shall be:

- (1) used for only one (1) task, such as working with ready-to-eat food or with raw animal food;
- (2) used for no other purpose; and
- (3) discarded when:
  - (A) damaged or soiled; or
  - (B) interruptions occur in the operation.

(b) Except as specified in subsection (c), slash-resistant gloves that are used to protect the hands during operations requiring cutting shall be used in direct contact only with food that is subsequently cooked as specified under section 182, 183, or 186 of this rule, such as frozen food or a primal cut of meat.

(c) Slash-resistant gloves may be used with ready-to-eat food that will not be subsequently cooked if the slash-resistant gloves:

- (1) have a smooth, durable, and nonabsorbent outer surface; or
- (2) are covered with a smooth, durable, nonabsorbent glove or a single-use glove.

(d) Cloth gloves may not be used in direct contact with food unless the food is subsequently cooked as required under section 182, 183, or 186 of this rule, such as frozen food or a primal cut of meat.

(e) For purposes of this section, a violation of subsection (a), (b), (c)(2), or (d) is a critical or noncritical item based on the determination of whether or not the violation signifi-

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cantly contributes to food contamination, an illness, or an environmental health hazard.

(f) For purposes of this section, a violation of subsection (e) is a critical item.

(g) For purposes of this section, a violation of subsection (c)(1) or (f) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-246; filed Oct 13, 2004, 12:30 p.m.: 28 IR 869*)

### 410 IAC 7-24-247 Refilling returnables

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 247. (a) A take-home food container returned to a retail food establishment may not be refilled at a retail food establishment with a potentially hazardous food.

(b) Except as specified in subsection (c), a take-home food container refilled with food that is not potentially hazardous shall be cleaned as specified under section 248 of this rule.

(c) Personal take-out beverage containers, such as:

- (1) thermally insulated bottles;
- (2) nonspill coffee cups; and
- (3) promotional beverage glasses;

may be refilled by employees or the consumer if refilling is a contamination-free process as specified under section 261(a)(1), 261(a)(2), and 261(a)(4) of this rule.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-247; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870*)

### 410 IAC 7-24-248 Returnables; cleaning for refilling

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 248. (a) Except as specified in this section, returned empty containers intended for cleaning and refilling with food shall be cleaned and refilled in a regulated food processing plant.

(b) Food containers for beverages may be refilled at a retail food establishment if:

- (1) only a beverage that is not a potentially hazardous food is used as specified under section 247(a) of this rule;
- (2) the design of the container and of the rinsing equipment and the nature of the beverage, when considered together, allow for effective cleaning;
- (3) the consumer-owned container returned to the retail food establishment for refilling is refilled for sale or service only to the same consumer; and
- (4) the container is refilled by:

- (A) an employee of the retail food establishment; or
- (B) the owner of the container if the beverage system

includes a contamination-free transfer process that cannot be bypassed by the container owner.

(c) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-248; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870*)

### 410 IAC 7-24-249 Using clean tableware for second portions and refills

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 249. (a) Except for refilling a consumer's drinking cup or container without contact between the pouring utensil and the lip-contact area of the drinking cup or container, food employees may not use tableware, including single-service articles, soiled by the consumer to provide second portions or refills.

(b) Except as specified in subsection (c), self-service consumers may not be allowed to use soiled tableware, including single-service articles, to obtain additional food from the display and serving equipment and shall be informed by the use of a placard, sign, or menu.

(c) Drinking cups and containers may be reused by self-service consumers if refilling is a contamination-free process as specified under section 261(a)(1), 261(a)(2), and 261(a)(4) of this rule.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-249; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870*)

### 410 IAC 7-24-250 Handling of kitchenware and tableware

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 250. (a) Single-service articles, single-use articles, and utensils that have been sanitized shall be handled, displayed, and dispensed so that contamination of food-contact and lip-contact surfaces is prevented.

(b) Knives, forks, and spoons that are not prewrapped shall be presented so that only the handles are touched by employees and by consumers if consumer self-service is provided.

(c) Except as specified under subsection (b), single-service articles that are intended for food-contact or lip-contact shall be furnished for consumer self-service with the original individual wrapper intact or from an approved dispenser.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-250; filed Oct 13, 2004, 12:30 p.m.: 28 IR 870*)

**410 IAC 7-24-251 Handling of soiled and clean kitchenware**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 251. (a) Soiled tableware shall be removed from consumer eating and drinking areas and handled so that clean tableware is not contaminated.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-251; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871*)

**410 IAC 7-24-252 Protection of preset tableware**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 252. (a) If tableware is preset:  
(1) it shall be protected from contamination by being wrapped, covered, or inverted; or  
(2) exposed, unused settings shall be:  
(A) removed when a consumer is seated; or  
(B) cleaned and sanitized before further use if the settings are not removed when a consumer is seated.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-252; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871*)

**410 IAC 7-24-253 Durability and strength of food temperature measuring devices**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 253. (a) Food temperature measuring devices may not have sensors or stems constructed of glass, except that thermometers with glass sensors or stems that are encased in a shatterproof coating, such as candy thermometers, may be used.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-253; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871*)

**410 IAC 7-24-254 Accuracy of temperature measuring devices**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 254. (a) Food temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus two (2) degrees Fahrenheit in the intended range of use.

(b) Food temperature measuring devices that are dually

scaled in Celsius and Fahrenheit shall be accurate to plus or minus one (1) degree Celsius in the intended range of use.

(c) Food temperature measuring devices shall be calibrated in accordance with manufacturer's specifications as necessary to ensure their accuracy.

(d) Ambient air temperature, water pressure, and water temperature measuring devices shall be maintained in good repair and be accurate within the intended range of use.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-254; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871*)

**410 IAC 7-24-255 Accuracy of ambient air and water temperature measuring devices**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 255. (a) Ambient air and water temperature measuring devices that are scaled in Fahrenheit shall be accurate to plus or minus three (3) degrees Fahrenheit in the intended range of use.

(b) Ambient air and water temperature measuring devices that are dually scaled in Celsius and Fahrenheit shall be designed to be easily readable and accurate to plus or minus one and five-tenths (1.5) degrees Celsius in the intended range of use.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-255; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871*)

**410 IAC 7-24-256 Function of temperature measuring devices**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 256. (a) In a mechanically refrigerated or hot food storage unit, the sensor of a temperature measuring device shall be located to measure the air temperature in the warmest part of a mechanically refrigerated unit and in the coolest part of a hot food storage unit.

(b) Except as specified in subsection (c), cold or hot holding equipment used for potentially hazardous food shall be designed to include and shall be equipped with at least one (1) integral or permanently affixed temperature measuring device that is located to allow easy viewing of the device's temperature display.

(c) Subsection (b) does not apply to equipment for which the placement of a temperature measuring device is not a practical means for measuring the ambient air surrounding

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the food because of the design, type, and use of the equipment, such as the following:

- (1) Calrod units.
- (2) Heat lamps.
- (3) Cold plates.
- (4) Bainsmarie.
- (5) Steam tables.
- (6) Insulated food transport containers.
- (7) Salad bars.

(d) Temperature measuring devices shall be designed to be easily readable.

(e) Food temperature measuring devices and water temperature measuring devices on warewashing machines shall have a numerical scale, printed record, or digital readout in increments no greater than two (2) degrees Fahrenheit in the intended range of use.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-256; filed Oct 13, 2004, 12:30 p.m.: 28 IR 871*)

### 410 IAC 7-24-257 Food temperature measuring devices

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 257. (a) Food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment and maintenance of food temperatures as specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.

(b) A temperature measuring device with a suitable small diameter probe that is designed to measure the temperature of thin masses shall be provided and readily accessible to accurately measure the temperature in thin foods, such as meat patties and fish filets.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-257; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872*)

### 410 IAC 7-24-258 Temperature measuring devices; manual warewashing

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 258. (a) In manual warewashing operations, a temperature measuring device shall be provided and readily accessible for frequently measuring the washing and sanitizing temperatures.

(b) In a warewashing machine, an auxiliary temperature

measuring device shall be provided and readily accessible for frequently measuring the internal washing and sanitizing temperatures.

(c) For purposes of this section, a violation of subsection (a) and (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-258; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872*)

### 410 IAC 7-24-259 Cooling, heating, and holding capacities

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 259. (a) Equipment for cooling and heating food and holding cold and hot food shall be sufficient in number and capacity to provide food temperatures as specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-259; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872*)

### 410 IAC 7-24-260 Vended potentially hazardous food; original container

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 260. (a) Potentially hazardous food dispensed through a vending machine shall be in the package in which it was placed at the retail food establishment or food processing plant at which it was prepared.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-260; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872*)

### 410 IAC 7-24-261 Dispensing equipment; protection of equipment and food

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 261. (a) In equipment that dispenses or vends liquid food or ice in unpackaged form, the following applies:

(1) The delivery tube, chute, orifice, and splash surfaces directly above the container receiving the food shall be designed in a manner, such as with barriers, baffles, or drip aprons, so that drips from condensation and splash are diverted from the opening of the container receiving the food.

(2) The delivery tube, chute, and orifice shall be protected from manual contact, such as by being recessed.

(3) The delivery tube or chute and orifice of equipment used to vend liquid food or ice in unpackaged form to self-service consumers shall be designed so that the delivery tube or chute and orifice are protected from dust, insects,

rodents, and other contamination by a self-closing door if the equipment is:

(A) located in an outside area that does not otherwise afford the protection of an enclosure against the:

- (i) rain;
- (ii) windblown debris;
- (iii) insects;
- (iv) rodents; and
- (v) other contaminants;

that are present in the environment; or

(B) available for self-service during hours when it is not under the full-time supervision of a food employee.

(4) The dispensing equipment actuating lever or mechanism and filling device of consumer self-service beverage dispensing equipment shall be designed to prevent contact with the lip-contact surface of glasses or cups that are refilled.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-261; filed Oct 13, 2004, 12:30 p.m.: 28 IR 872*)

**410 IAC 7-24-262     Vending machine; vending stage closure**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 262. (a) The dispensing compartment of a vending machine, including a machine that is designed to vend prepackaged snack food that is not potentially hazardous, such as chips, party mixes, and pretzels, shall be equipped with a self-closing door or cover if the machine is:

(1) located in an outside area that does not otherwise afford the protection of an enclosure against the:

- (A) rain;
- (B) windblown debris;
- (C) insects;
- (D) rodents; and
- (E) other contaminants;

that are present in the environment; or

(2) available for self-service during hours when it is not under the full-time supervision of a food employee.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-262; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873*)

**410 IAC 7-24-263     Can openers on vending machines**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 263. (a) Cutting or piercing parts of can openers on vending machines shall be protected from the following:

- (1) Manual contact.
- (2) Dust.
- (3) Insects.
- (4) Rodents.
- (5) Other contamination.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-263; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873*)

**410 IAC 7-24-264     Vending machines; automatic shut-off**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 264. (a) A machine vending potentially hazardous food shall have an automatic control that prevents the machine from vending food if:

(1) there is a power failure, mechanical failure, or other condition that results in an internal machine temperature that cannot maintain food temperatures as specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule; and

(2) a condition specified under subdivision (1) occurs, until the machine is serviced and restocked with food that has been maintained at temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.

(b) When the automatic shutoff within a machine vending potentially hazardous food is activated in a:

(1) refrigerated vending machine, the ambient temperature may not exceed forty-one (41) degrees Fahrenheit or forty-five (45) degrees Fahrenheit as specified under section 187(a)(2)(B) of this rule for more than thirty (30) minutes; or

(2) hot holding vending machine, the ambient temperature may not be less than one hundred thirty-five (135) degrees Fahrenheit for more than one hundred twenty (120) minutes;

immediately after the machine is filled, serviced, or restocked.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-264; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873*)

**410 IAC 7-24-265     Vending machines; liquid waste products**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 265. (a) Vending machines designed to store beverages that are packaged in containers made from paper products shall be equipped with diversion devices and retention pans or drains for container leakage.

(b) Vending machines that dispense liquid food in bulk shall be as follows:

(1) Provided with an internally mounted waste receptacle for the collection of the following:

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- (A) Drip.
- (B) Spillage.
- (C) Overflow.
- (D) Other internal wastes.

(2) Equipped with an automatic shutoff device that will place the machine out of operation before the waste receptacle overflows.

(c) Shutoff devices, specified under subsection (b)(2), shall prevent water or liquid food from continuously running if there is a failure of a flow control device in the water or liquid food system or waste accumulation that could lead to overflow of the waste receptacle.

(d) For purposes of this section, a violation of subsections (a) through (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-265; filed Oct 13, 2004, 12:30 p.m.: 28 IR 873*)

### 410 IAC 7-24-266 Vending machine doors and openings

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 266. (a) Vending machine doors and access opening covers to food and container storage spaces shall be tight-fitting so that the space along the entire interface between the doors or covers and the cabinet of the machine, if the doors or covers are in a closed position, is no greater than one-sixteenth ( $1/16$ ) inch by any of the following:

- (1) Being covered with louvers, screens, or materials that provide an equivalent opening of not greater than one-sixteenth ( $1/16$ ) inch. Screening of twelve (12) mesh to one (1) inch meets this requirement.
- (2) Being effectively gasketed.
- (3) Having interface surfaces that are at least one-half ( $1/2$ ) inch wide.
- (4) Jambs or surfaces used to form an L-shaped entry path to the interface.

(b) Vending machine service connection openings through an exterior wall of a machine shall be closed by sealants, clamps, or grommets so that the openings are no larger than one-sixteenth ( $1/16$ ) inch.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-266; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874*)

### 410 IAC 7-24-267 Overhead protection on outdoor food vending areas

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 267. (a) If located outdoors, a machine used to vend food shall be provided with overhead protection, except that machines vending canned beverages need not meet this requirement.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-267; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874*)

### 410 IAC 7-24-268 Receptacles in vending machines

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 268. (a) A refuse receptacle may not be located within a vending machine, except that a receptacle for beverage bottle crown closures may be located within a vending machine.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-268; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874*)

### 410 IAC 7-24-269 Warewashing equipment requirements

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 269. (a) A retail food establishment shall be equipped with at least one (1) of the following options for purposes of washing, rinsing, and sanitizing of equipment and utensils:

- (1) Manual warewashing equipment as specified in section 270 of this rule.
- (2) A warewashing machine.

(b) The warewashing equipment or machine must be used in accordance with this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-269; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874*)

### 410 IAC 7-24-270 Manual warewashing; sink compartment requirements

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 270. (a) Except as specified in subsection (c), a sink with at least three (3) compartments shall be provided for manually washing, rinsing, and sanitizing equipment and utensils.

(b) Sink compartments shall be large enough to accommodate immersion of the largest equipment and utensils. If equipment or utensils are too large for the warewashing sink, a warewashing machine or alternative equipment as specified in subsection (c) shall be used.

(c) Alternative manual warewashing equipment may be used when there are special cleaning needs or constraints and its use is approved. Alternative manual warewashing equipment may include the following:

- (1) High-pressure detergent sprayers.

- (2) Low-pressure or line-pressure spray detergent foamers.
- (3) Other task-specific cleaning equipment.
- (4) Brushes or other implements.
- (5) Two (2) compartment sinks as specified under subsections (d) and (e).
- (6) Receptacles that substitute for the compartments of a multicompartment sink.

(d) Before a two (2) compartment sink is used:  
 (1) the owner or operator of a retail food establishment shall have its use approved; and  
 (2) the nature of warewashing shall be limited to batch operations for cleaning kitchenware, such as between cutting one (1) type of raw meat and another or cleanup at the end of a shift as follows:

- (A) A limited number of items shall be cleaned.
- (B) The cleaning and sanitizing solutions shall be made up immediately before use and drained immediately after use.
- (C) A detergent-sanitizer shall be used to sanitize and shall be applied as specified under section 275 of this rule or a hot water sanitization immersion step shall be used as specified under section 302(a)(3) of this rule.

(e) A two (2) compartment sink may not be used for warewashing operations where cleaning and sanitizing solutions are used for a continuous or intermittent flow of kitchenware or tableware in an ongoing warewashing process.

(f) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-270; filed Oct 13, 2004, 12:30 p.m.: 28 IR 874)*

**410 IAC 7-24-271 Manual warewashing equipment; heaters and baskets**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 271. (a) If hot water is used for sanitization in manual warewashing operations, the sanitizing compartment of the sink shall be as follows:

- (1) Designed with an integral heating device that is capable of maintaining water at a temperature not less than one hundred seventy (170) degrees Fahrenheit.
- (2) Provided with a rack or basket to allow complete immersion of equipment and utensils into the hot water.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-271; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875)*

**410 IAC 7-24-272 Warewashing equipment; clean solutions**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 272. (a) The wash, rinse, and sanitize solutions shall be maintained clean.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-272; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875)*

**410 IAC 7-24-273 Manual warewashing equipment; wash solution temperature**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 273. (a) The temperature of the wash solution in manual warewashing equipment shall be maintained at not less than one hundred ten (110) degrees Fahrenheit or the temperature specified on the cleaning agent manufacturer's label instructions.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-273; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875)*

**410 IAC 7-24-274 Manual warewashing equipment; hot water sanitization temperatures**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 274. (a) If immersion in hot water is used for sanitizing in a manual operation, the temperature of the water shall be maintained at one hundred seventy (170) degrees Fahrenheit or above.

(b) For purposes of this section, a violation of subsection (a) is a critical item. *(Indiana State Department of Health; 410 IAC 7-24-274; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875)*

**410 IAC 7-24-275 Manual warewashing equipment; chemical sanitization using detergent-sanitizers**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 275. (a) If a detergent-sanitizer is used to sanitize in a cleaning and sanitizing procedure where there is no distinct water rinse between the washing and sanitizing steps, the agent applied in the sanitizing step shall be the same detergent-sanitizer that is used in the washing step.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. *(Indiana State Department of Health; 410 IAC 7-24-275; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875)*

**410 IAC 7-24-276 Washing; procedures for alternative manual warewashing equipment**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 276. (a) If washing in sink compartments or a

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warewashing machine is impractical, such as when the equipment is fixed or the utensils are too large, washing shall be done by using alternative manual warewashing equipment, as specified in section 270(c) of this rule, in accordance with the following procedures:

- (1) Equipment shall be disassembled as necessary to allow access of the detergent solution to all parts.
- (2) Equipment components and utensils shall be scraped or rough cleaned to remove food particle accumulation.
- (3) Equipment and utensils shall be washed as specified under section 301(a) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-276; filed Oct 13, 2004, 12:30 p.m.: 28 IR 875*)

### 410 IAC 7-24-277 Pressure measuring devices; warewashing machine

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 277. (a) Pressure measuring devices that display the pressures in the water supply line for the fresh hot water sanitizing rinse shall have increments of one (1) pound per square inch or smaller and shall be accurate to two (2) pounds per square inch in the fifteen (15) to twenty-five (25) pounds per square inch range.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-277; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876*)

### 410 IAC 7-24-278 Warewashing machine; data plate operating specifications

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 278. (a) A warewashing machine shall be provided with an easily accessible and readable data plate affixed to the machine by the manufacturer that indicates the machine's design and operating specifications, including the following:

- (1) Temperatures required for washing, rinsing, and sanitizing.
- (2) Pressure required for the fresh water sanitizing rinse unless the machine is designed to use only a pumped sanitizing rinse.
- (3) Conveyor speed for conveyor machines or cycle time for stationary rack machines.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-278; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876*)

### 410 IAC 7-24-279 Warewashing machine; internal baffles

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 279. (a) Warewashing machine wash and rinse tanks shall be equipped with baffles, curtains, or other means to minimize internal cross-contamination of the solutions in wash and rinse tanks.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-279; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876*)

### 410 IAC 7-24-280 Warewashing machine; temperature measuring devices

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 280. (a) A warewashing machine shall be equipped with a temperature measuring device that indicates the temperature of the water as follows:

- (1) In each wash and rinse tank.
- (2) As the water enters the hot water sanitizing final rinse manifold or in the chemical sanitizing solution tank.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-280; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876*)

### 410 IAC 7-24-281 Warewashing machine; automatic dispensing of detergents and sanitizers

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 281. (a) A warewashing machine that uses a chemical for sanitization and that is installed after the effective date of this rule shall be equipped to:

- (1) automatically dispense detergents and sanitizers; and
- (2) incorporate a visual means to verify that detergents and sanitizers are delivered or a visual or audible alarm to signal if the detergents and sanitizers are not delivered to the respective washing and sanitizing cycles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-281; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876*)

### 410 IAC 7-24-282 Warewashing machine; flow pressure device

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 282. (a) Warewashing machines that provide a fresh hot water sanitizing rinse shall be equipped with a pressure gauge or similar device, such as a transducer, that measures and displays the water pressure in the supply line immediately before entering the warewashing machine.

(b) If the flow pressure measuring device is upstream of the fresh hot water sanitizing rinse control valve, the device shall be mounted in a one-fourth (1/4) inch iron pipe size (IPS) valve.

(c) Subsections (a) and (b) do not apply to a machine that uses only a pumped or recirculated sanitizing rinse.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-282; filed Oct 13, 2004, 12:30 p.m.: 28 IR 876*)

**410 IAC 7-24-283 Warewashing machine; manufacturer's operating instructions**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 283. (a) A warewashing machine and its auxiliary components shall be operated in accordance with the machine's data plate and other manufacturer's instructions.

(b) A warewashing machine's conveyor speed or automatic cycle times shall be maintained accurately timed in accordance with manufacturer's specifications.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of*

*Health; 410 IAC 7-24-283; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877*)

**410 IAC 7-24-284 Warewashing machine; wash solution temperature**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 284. (a) The temperature of the wash solution in spray-type warewashing machines that use hot water to sanitize may not be less than:

- (1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit;
- (2) for a stationary rack, dual temperature machine, one hundred fifty (150) degrees Fahrenheit;
- (3) for a single tank, conveyor, dual temperature machine, one hundred sixty (160) degrees Fahrenheit; or
- (4) for a multitank, conveyor, multitemperature machine, one hundred fifty (150) degrees Fahrenheit.

(b) The temperature of the wash solution in spray-type warewashing machines that use chemicals to sanitize may be not less than one hundred twenty (120) degrees Fahrenheit.

Hot Water Machine Type	Type of Temperature	Wash Temperature of Machine	Sanitization Temperature of the Machine
Stationary Rack	Single Temperature	165°F	165°F
Stationary Rack	Dual Temperature	150°F	180°F
Single Tank	Dual Temperature	160°F	180°F
Multitank	Multitemperature	150°F	180°F
Chemical Machine		120°F	Not Applicable

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-284; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877*)

**410 IAC 7-24-285 Warewashing machine; hot water sanitization temperatures**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 285. (a) Except as specified in subsection (b), in a mechanical operation, the temperature of the fresh hot water sanitizing rinse as it enters the manifold may be not more than one hundred ninety-four (194) degrees Fahrenheit or less than:

- (1) for a stationary rack, single temperature machine, one hundred sixty-five (165) degrees Fahrenheit; or
- (2) for all other machines, one hundred eighty (180) degrees Fahrenheit.

(b) The maximum temperature specified under subsection (a) does not apply to the high pressure and temperature systems with wand-type, hand-held, spraying devices used for the in-place cleaning and sanitizing of equipment, such as meat saws.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-285; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877*)

**410 IAC 7-24-286 Warewashing machine; sanitization pressure**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 286. (a) The flow pressure of the fresh hot water sanitizing rinse in a warewashing machine may not be less than fifteen (15) pounds per square inch or more than twenty-five (25) pounds per square inch as measured in the waterline immediately downstream or upstream from the fresh hot water sanitizing rinse control valve.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-286; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877*)

**410 IAC 7-24-287 Loading of soiled items; warewashing machine**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

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Sec. 287. (a) Soiled items to be cleaned in a warewashing machine shall be loaded into racks, trays, or baskets or onto conveyors in a position that:

- (1) exposes the items to the unobstructed spray from all cycles; and
- (2) allows the items to drain.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-287; filed Oct 13, 2004, 12:30 p.m.: 28 IR 877*)

### 410 IAC 7-24-288 Warewashing sinks and drainboards; self-draining

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 288. (a) Sinks and drainboards of warewashing sinks and machines shall be self-draining.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-288; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878*)

### 410 IAC 7-24-289 Drainboards

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 289. (a) Drainboards, utensil racks, or tables large enough to accommodate all soiled and cleaned items that may accumulate during hours of operation shall be provided for necessary utensil holding before cleaning and after sanitizing.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-289; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878*)

### 410 IAC 7-24-290 Warewashing machine; cleaning frequency

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 290. (a) A warewashing machine; the compartments of sinks, basins, or other receptacles used for washing and rinsing equipment, utensils, or raw foods or laundering wiping cloths; and drainboards or other equipment used to substitute for drainboards as specified under section 289 of this rule shall be cleaned as follows:

- (1) Before use.
- (2) Throughout the day at a frequency necessary to prevent recontamination of equipment and utensils and to ensure that the equipment performs its intended function.
- (3) If used, at least every twenty-four (24) hours.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-290; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878*)

### 410 IAC 7-24-291 Sanitizing solutions; testing devices

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 291. (a) A test kit or other device that accurately measures the concentration in ppm of sanitizing solutions shall be provided and used.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-291; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878*)

### 410 IAC 7-24-292 Warewashing machine; cleaning agents

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 292. (a) When used for warewashing, the wash compartment of a sink, mechanical warewasher, or wash receptacle of alternative manual warewashing equipment as specified in section 270(c) of this rule shall contain a wash solution of:

- (1) soap;
- (2) detergent;
- (3) acid cleaner;
- (4) alkaline cleaner;
- (5) degreaser;
- (6) abrasive cleaner; or
- (7) other cleaning agent;

according to the cleaning agent manufacturer's label instructions.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-292; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878*)

### 410 IAC 7-24-293 Warewashing sinks and machines; use limitation

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 293. (a) A warewashing sink shall not be used for hand washing or as a service sink.

(b) If a warewashing sink is used to wash wiping cloths, wash produce, or thaw food, the sink shall be cleaned as specified under section 290 of this rule before and after each time it is used to wash wiping cloths, wash produce, or thaw food. Sinks used to wash or thaw food shall be sanitized as specified under section 303 of this rule before and after using the sink to wash or thaw food.

(c) A warewashing machine shall not be used for laundering linens, wiping cloths, food, floor mats, or other items not specified as an intended use of the machine by its manufacturer.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department*

of Health; 410 IAC 7-24-293; filed Oct 13, 2004, 12:30 p.m.: 28 IR 878)

**410 IAC 7-24-294 Manual or machine warewashing; chemical sanitization; temperature, pH, concentration, and hardness**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 294. (a) A chemical sanitizer used in a sanitizing solution for a manual or machine warewashing operation at exposure times specified under section 303(b)(3) of this rule shall be listed in 21 CFR 178.1010, used in accordance with the manufacturer's label use instructions as specified in section 441 of this rule, and used as follows:

(1) A chlorine solution shall have a minimum temperature based on the concentration and pH of the solution as listed in the following chart:

Minimum Concentration	Minimum Temperature		Times (taken from section 303 of this rule)
	pH 10 or less °F	pH 8 or less °F	
ppm			
25	120	120	10 seconds
50	100	75	7 seconds
100	55	55	10 seconds

- (2) An iodine solution shall have a:
- (A) minimum temperature of seventy-five (75) degrees Fahrenheit;
  - (B) pH of 5.0 or less or a pH no higher than the level for which the manufacturer specifies the solution is effective; and
  - (C) concentration between twelve and one-half (12.5) ppm and twenty-five (25) ppm.
- (3) A quaternary ammonium compound solution shall:
- (A) have a minimum temperature of seventy-five (75) degrees Fahrenheit;
  - (B) have a concentration as specified under section 443 of this rule and as indicated by the manufacturer's use directions included in the labeling; and
  - (C) be used only in water with five hundred (500) ppm hardness or less or in water having a hardness no greater than specified by the manufacturer's label.
- (4) If another solution of a chemical specified under subdivisions (1) through (3) is used, the owner or operator of a retail food establishment shall demonstrate to the regulatory authority that the solution achieves sanitization and the use of the solution shall be approved.
- (5) If a chemical sanitizer other than chlorine, iodine, or a quaternary ammonium compound is used, it shall be applied in accordance with the manufacturer's use directions included in the labeling.
- (6) If chemical sanitizer is used in the retail food establishment, the chemical sanitizer must be present in the establishment.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (Indiana State Department of Health; 410 IAC 7-24-294; filed Oct 13, 2004, 12:30 p.m.: 28 IR 879)

**410 IAC 7-24-295 Equipment food-contact surfaces, nonfood-contact surfaces, and utensils**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 295. (a) Equipment food-contact surfaces and utensils shall be clean to sight and touch.

(b) The food-contact surfaces of cooking equipment and pans shall be kept free of encrusted grease deposits and other soil accumulations.

(c) Nonfood-contact surfaces of equipment shall be kept free of an accumulation of:

- (1) dust;
- (2) dirt;
- (3) food residue; and
- (4) other debris;

and shall be cleaned at a frequency necessary to preclude accumulation of soil residue.

(d) For purposes of this section, a violation of subsection (a) or (b) is a critical item.

(e) For purposes of this section, a violation of subsection (c) is a noncritical item. (Indiana State Department of Health; 410 IAC 7-24-295; filed Oct 13, 2004, 12:30 p.m.: 28 IR 879)

**410 IAC 7-24-296 Equipment food-contact surfaces and utensils; cleaning frequency**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 296. (a) Equipment food-contact surfaces and utensils shall be cleaned as follows:

- (1) Except as specified in subsection (b), before each use with a different type of raw animal food such as the following:
- (A) Beef.
  - (B) Fish.
  - (C) Lamb.
  - (D) Pork.
  - (E) Poultry.
- (2) Each time there is a change from working with raw foods to working with ready-to-eat foods.
- (3) Between uses with raw fruits and vegetables and with potentially hazardous food.
- (4) Before using or storing a food temperature measuring device.
- (5) At any time during the operation when contamination may have occurred.

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(b) Subsection (a)(1) does not apply if the food-contact surface or utensil is in contact with a succession of different raw animal foods each requiring a higher cooking temperature as specified under section 182 of this rule than the previous food, such as preparing raw fish followed by cutting raw poultry on the same cutting board.

(c) Except as specified in subsection (d), if used with potentially hazardous food, equipment food-contact surfaces and utensils shall be cleaned throughout the day at least every four (4) hours.

(d) Surfaces of utensils and equipment contacting potentially hazardous food may be cleaned less frequently than every four (4) hours if the following applies:

(1) In storage, containers of potentially hazardous food and their contents are maintained at temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule and the containers are cleaned when they are empty.

(2) Utensils and equipment are used to prepare food in a refrigerated room or area that is maintained at one (1) of the temperatures in the following chart and:

(A) The utensils and equipment are cleaned at the frequency in the following chart that corresponds to the temperature:

Temperature	Cleaning Frequency
41°F or less	24 hours
> 41°F - 45°F	20 hours
> 45°F - 50°F	16 hours
> 50°F - 55°F	10 hours

(B) The cleaning frequency based on the ambient temperature of the refrigerated room or area is documented in the retail food establishment.

(3) Containers in serving situations, such as salad bars, delis, and cafeteria lines:

(A) hold ready-to-eat potentially hazardous food that is maintained at the temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule;

(B) are intermittently combined with additional supplies of the same food that is at the required temperature; and

(C) are cleaned at least every twenty-four (24) hours.

(4) Temperature measuring devices are maintained in contact with food, such as when left in a container of deli food or in a roast, held at temperatures specified under section 139 through 160, 162 through 167, 169 through 183, 185 through 191, 193 through 200, 203, 234, 236, 245 through 247, or 249 of this rule.

(5) Equipment is used for storage of packaged or unpackaged food, such as a reach-in refrigerator, and the equipment is cleaned at a frequency necessary to preclude accumulation of soil residues.

(6) The cleaning schedule is approved based on consideration of the following:

(A) Characteristics of the equipment and its use.

(B) The type of food involved.

(C) The amount of food residue accumulation.

(D) The temperature at which the food is maintained during the operation and the potential for the rapid and progressive multiplication of pathogenic or toxigenic microorganisms that are capable of causing foodborne disease.

(7) In-use utensils are intermittently stored in a container of water in which the water is maintained at one hundred thirty-five (135) degrees Fahrenheit or more and the utensils and container are cleaned at least every twenty-four (24) hours or at a frequency necessary to preclude accumulation of soil residues.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-296; filed Oct 13, 2004, 12:30 p.m.: 28 IR 879*)

### 410 IAC 7-24-297 Not potentially hazardous food-contact surfaces cleaning frequency

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 297. (a) Except when dry cleaning methods are used as specified under section 299 of this rule, surfaces of utensils and equipment contacting food that is not potentially hazardous shall be cleaned as follows:

(1) At any time when contamination may have occurred.

(2) At least every twenty-four (24) hours for iced tea dispensers and consumer self-service utensils, such as tongs, scoops, or ladles.

(3) Before restocking consumer self-service equipment and utensils, such as condiment dispensers and display containers.

(4) In equipment, such as ice bins and beverage dispensing nozzles, and enclosed components of equipment, such as ice makers, cooking oil storage tanks and distribution lines, beverage and syrup dispensing lines or tubes, coffee bean grinders, and water vending equipment:

(A) at a frequency specified by the manufacturer; or

(B) absent manufacturer specifications, at a frequency necessary to preclude accumulation of soil or mold.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-297; filed Oct 13, 2004, 12:30 p.m.: 28 IR 880*)

### 410 IAC 7-24-298 Cooking and baking equipment

Authority: IC 16-42-5-5

Affected: IC 16-42-5

Sec. 298. (a) The food-contact surfaces of cooking and baking equipment shall be cleaned at least every twenty-four (24) hours. This section does not apply to hot oil cooking and

filtering equipment if it is cleaned as specified in section 296(d)(6) of this rule.

(b) The cavities and door seals of microwave ovens shall be cleaned at least every twenty-four (24) hours by using the manufacturer's recommended cleaning procedure.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-298; filed Oct 13, 2004, 12:30 p.m.: 28 IR 880*)

**410 IAC 7-24-299 Dry cleaning**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 299. (a) If used, dry cleaning methods, such as brushing, scraping, and vacuuming, shall contact only surfaces that are soiled with dry food residues that are not potentially hazardous.

(b) Cleaning equipment used in dry cleaning food-contact surfaces may not be used for any other purpose.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-299; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881*)

**410 IAC 7-24-300 Precleaning**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 300. (a) Food debris on equipment and utensils shall be:

- (1) scrapped over a waste disposal unit or garbage receptacle; or
- (2) removed in a warewashing machine with a prewash cycle.

(b) If necessary for effective cleaning, utensils and equipment shall be preflushed, presoaked, or scrubbed with abrasives.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-300; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881*)

**410 IAC 7-24-301 Wet cleaning**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 301. (a) Equipment food-contact surfaces and utensils shall be effectively washed to remove or completely loosen soils by using the manual or mechanical means necessary, such as the application of one (1) of the following:

- (1) Detergents containing wetting agents and emulsifiers.
- (2) Acid, alkaline, or abrasive cleaners.

- (3) Hot water.
- (4) Brushes.
- (5) Scouring pads.
- (6) High-pressure sprays.
- (7) Ultrasonic devices.

(b) The washing procedures selected shall be based on the following:

- (1) The type and purpose of the equipment or utensil.
- (2) The type of soil to be removed.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-301; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881*)

**410 IAC 7-24-302 Rinsing procedures**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 302. (a) Washed utensils and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent-sanitizer solution by using one (1) of the following procedures:

- (1) Use of a distinct, separate water rinse after washing and before sanitizing if using:
  - (A) a three (3) compartment sink;
  - (B) alternative manual warewashing equipment equivalent to a three (3) compartment sink as specified in section 270(c) of this rule; or
  - (C) a three (3) step washing, rinsing, and sanitizing procedure in a warewashing system for CIP equipment.
- (2) Use of a detergent-sanitizer as specified under section 275 of this rule if using:
  - (A) alternative warewashing equipment as specified in section 270(c) of this rule that is approved for use with a detergent-sanitizer; or
  - (B) a warewashing system for CIP equipment.
- (3) Use of a nondistinct water rinse that is integrated in the hot water sanitization immersion step of a two (2) compartment sink operation.
- (4) If using a warewashing machine that does not recycle the sanitizing solution as specified under subdivision (5), or alternative manual warewashing equipment, such as sprayers, use of a nondistinct water rinse that is:
  - (A) integrated in the application of the sanitizing solution; and
  - (B) wasted immediately after each application.
- (5) If using a warewashing machine that recycles the sanitizing solution for use in the next wash cycle, use of a nondistinct water rinse that is integrated in the application of the sanitizing solution.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-302; filed Oct 13, 2004, 12:30 p.m.: 28 IR 881*)

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### 410 IAC 7-24-303 Cleaning and sanitizing food contact surfaces

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 303. (a) Utensils and food-contact surfaces of equipment shall be sanitized immediately after cleaning.

(b) After being cleaned, equipment food-contact surfaces and utensils shall be sanitized in:

- (1) hot water manual operations by immersion for at least thirty (30) seconds as specified under section 274 of this rule;
- (2) hot water mechanical operations by being cycled through equipment that is set up as specified under section 283, 285, or 286 of this rule and achieving a utensil surface temperature of one hundred sixty (160) degrees Fahrenheit as measured by an irreversible registering temperature indicator; or
- (3) chemical manual or mechanical operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution as specified under section 294 of this rule by providing:

(A) except as specified under clause (B), an exposure time of at least ten (10) seconds for a chlorine solution specified under section 294(a)(1) of this rule;

(B) an exposure time of at least seven (7) seconds for a chlorine solution of fifty (50) ppm that has a pH of 10 or less and a temperature of at least one hundred (100) degrees Fahrenheit or a pH of 8 or less and a temperature of at least seventy five (75) degrees Fahrenheit;

(C) an exposure time of at least thirty (30) seconds for other chemical sanitizing solutions; or

(D) an exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined in section 82 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-303; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882*)

### 410 IAC 7-24-304 Equipment and utensils; air drying required

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 304. (a) After cleaning and sanitizing, equipment and utensils:

- (1) shall be air-dried or used after adequate draining as specified in 21 CFR 178.1010(a), before contact with food; and
- (2) may not be cloth-dried except that utensils that have been air-dried may be polished with cloths that are maintained clean and dry.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-304; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882*)

### 410 IAC 7-24-305 Ventilation hood systems; filters

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 305. (a) Filters or other grease extracting equipment shall be designed to be readily removable for cleaning and replacement if not designed to be cleaned in place.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-305; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882*)

### 410 IAC 7-24-306 Ventilation hood systems; drip prevention

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 306. (a) Exhaust ventilation hood systems in food preparation and warewashing areas, including components, such as hoods, fans, guards, and ducting, shall be designed to prevent grease or condensation from draining or dripping onto the following:

- (1) Food.
- (2) Equipment.
- (3) Utensils.
- (4) Linens.
- (5) Single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-306; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882*)

### 410 IAC 7-24-307 Ventilation hood systems; adequacy

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 307. (a) Ventilation hood systems and devices shall meet the requirements of the Indiana department of fire and building services and be sufficient in number and capacity to prevent grease or condensation from collecting on walls and ceilings.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-307; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882*)

### 410 IAC 7-24-308 Design of heating, ventilating, and air conditioning system vents

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 308. (a) Heating, ventilating, and air conditioning systems shall be designed and installed so that makeup air intake and exhaust vents do not cause contamination of:

- (1) food;

- (2) food-contact surfaces;
- (3) equipment; or
- (4) utensils.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-308; filed Oct 13, 2004, 12:30 p.m.: 28 IR 882*)

**410 IAC 7-24-309 Mechanical ventilation**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 309. (a) Mechanical ventilation shall be provided in accordance with requirements of the Indiana department of fire and building services and shall be of sufficient capacity to keep rooms free of the following:

- (1) Excessive heat.
- (2) Steam.
- (3) Condensation.
- (4) Vapors.
- (5) Obnoxious odors.
- (6) Smoke.
- (7) Fumes.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-309; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883*)

**410 IAC 7-24-310 Cleaning ventilation systems**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 310. (a) Intake and exhaust air ducts shall be cleaned and filters changed so they are not a source of contamination by the following:

- (1) Dust.
- (2) Dirt.
- (3) Other materials.

(b) If vented to the outside, ventilation systems may not create a:

- (1) public health hazard;
- (2) nuisance; or
- (3) unlawful discharge.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-310; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883*)

**410 IAC 7-24-311 Clothes washers and dryers**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 311. (a) Except as specified in subsection (b), if work clothes or linens are laundered on the premises, a mechanical clothes washer and dryer shall be provided and used.

(b) If on-premises laundering is limited to wiping cloths

intended to be used wet, or wiping cloths are air-dried as specified under section 316 of this rule, a mechanical clothes washer and dryer need not be provided.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-311; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883*)

**410 IAC 7-24-312 Specifications for laundering**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 312. (a) Linens that do not come in direct contact with food shall be laundered between operations if they become:

- (1) wet;
- (2) sticky; or
- (3) visibly soiled.

(b) Cloth gloves used as specified in section 246(d) of this rule shall be laundered before being used with a different type of raw animal food, such as the following:

- (1) Beef.
- (2) Lamb.
- (3) Pork.
- (4) Fish.

(c) Linens and napkins that are used as specified under section 236 of this rule and cloth napkins shall be laundered between each use.

(d) Wet wiping cloths shall be laundered daily.

(e) Dry wiping cloths shall be laundered as necessary to prevent contamination of food and clean serving utensils.

(f) For purposes of this section, a violation of subsection (a), (b), (c), (d), or (e) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-312; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883*)

**410 IAC 7-24-313 Mechanical washing**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 313. (a) Except as specified in subsection (b), linens shall be mechanically washed.

(b) In retail food establishments in which only wiping cloths are laundered as specified in section 311(b) of this rule, the wiping cloths may be laundered in a:

- (1) mechanical washer;
  - (2) sink designated only for laundering wiping cloths; or
  - (3) warewashing or food preparation sink;
- that is cleaned as specified under section 290 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of*

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Health; 410 IAC 7-24-313; filed Oct 13, 2004, 12:30 p.m.: 28 IR 883)

### 410 IAC 7-24-314 Use of laundry facilities

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 314. (a) Except as specified in subsection (b), laundry facilities on the premises of a retail food establishment shall be used only for the washing and drying of items used in the operation of the establishment.

(b) Separate laundry facilities located on the premises for the purpose of general laundering, such as for institutions providing boarding and lodging, may also be used for laundering retail food establishment items.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (Indiana State Department of Health; 410 IAC 7-24-314; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884)

### 410 IAC 7-24-315 Equipment, clothes washers, dryers, and storage cabinets

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 315. (a) Except as specified in subsection (b), equipment, a cabinet used for the storage of food, or a cabinet that is used to store cleaned and sanitized equipment, utensils, laundered linens, and single-service and single-use articles may not be located as follows:

- (1) In the following:
  - (A) Locker rooms.
  - (B) Toilet rooms.
  - (C) Garbage rooms.
  - (D) Mechanical rooms, when contamination is likely to occur.
- (2) Under the following:
  - (A) Sewer lines that are not shielded to intercept potential drips.
  - (B) Leaking water lines including leaking automatic fire sprinkler heads or under lines on which water has condensed.
  - (C) Open stairwells.
  - (D) Other sources of contamination.

(b) A storage cabinet used for linens or single-service or single-use articles may be stored in a locker room.

(c) If a mechanical clothes washer or dryer is provided, it shall be located so that the washer or dryer is protected from contamination and only where there is no:

- (1) exposed food;
- (2) clean equipment, utensils, and linens; and
- (3) unwrapped single-service and single-use articles.

(d) For purposes of this section, a violation of subsection

(a), (b), or (c) is a noncritical item. (Indiana State Department of Health; 410 IAC 7-24-315; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884)

### 410 IAC 7-24-316 Wiping cloths; air drying locations

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 316. (a) Wiping cloths laundered in a retail food establishment that does not have a mechanical clothes dryer as specified in section 311(b) of this rule shall be air-dried in a location and in a manner that prevents contamination of the following:

- (1) Food.
- (2) Equipment.
- (3) Utensils.
- (4) Linens.
- (5) Single-service and single-use articles.
- (6) Wiping cloths.

This section does not apply if wiping cloths are stored after laundering in a sanitizing solution as specified under section 294 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (Indiana State Department of Health; 410 IAC 7-24-316; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884)

### 410 IAC 7-24-317 Lubricants for food-contact surfaces

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 317. (a) Lubricants shall be applied to food-contact surfaces that require lubrication in a manner that does not contaminate food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (Indiana State Department of Health; 410 IAC 7-24-317; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884)

### 410 IAC 7-24-318 Protection of equipment

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 318. (a) Equipment shall be reassembled so that food-contact surfaces are not contaminated.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (Indiana State Department of Health; 410 IAC 7-24-318; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884)

### 410 IAC 7-24-319 Case lot handling equipment; moveability

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 319. (a) Equipment, such as:

- (1) dollies;
- (2) pallets;

(3) racks; and  
 (4) skids;  
 used to store and transport large quantities of packaged foods from a supplier in a cased or overwrapped lot shall be designed to be moved by hand or by conveniently available equipment, such as hand trucks and forklifts, to allow for routine cleaning and maintenance of the premises.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-319; filed Oct 13, 2004, 12:30 p.m.: 28 IR 884*)

**410 IAC 7-24-320 Water source**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 320. (a) Drinking water shall be obtained from a source that meets the quality standards as specified in 327 IAC 8-2.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-320; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885*)

**410 IAC 7-24-321 System flushing and disinfection**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 321. (a) A drinking water system shall be flushed and disinfected before being placed in service after the following:

- (1) Construction, repair, or modification.
- (2) An emergency situation, such as a flood, that may introduce contaminants to the system.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-321; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885*)

**410 IAC 7-24-322 Design, construction, and installation of approved plumbing system and cleanable fixtures**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 322. (a) A plumbing system shall:  
 (1) be designed, constructed, and installed according to applicable Indiana plumbing code; and  
 (2) meet the capacity needs of the retail food establishment.

(b) A plumbing fixture, such as a:  
 (1) hand washing facility;  
 (2) toilet; or  
 (3) urinal;  
 shall be easily cleanable.

(c) For purposes of this section, a violation of subsection (a) is a critical item.

(d) For purposes of this section, a violation of subsection (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-322; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885*)

**410 IAC 7-24-323 Approved plumbing system materials**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 323. (a) A plumbing system and hoses conveying water shall be constructed and repaired with approved materials according to law.

(b) Water treatment devices shall be made of safe materials.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-323; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885*)

**410 IAC 7-24-324 Plumbing system maintained in good repair**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 324. (a) A plumbing system shall be:

- (1) repaired according to law; and
- (2) maintained in good repair.

(b) For purposes of this section, a violation of subsection (a)(1) is a critical item.

(c) For purposes of this section, a violation of subsection (a)(2) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-324; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885*)

**410 IAC 7-24-325 Bottled drinking water**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 325. (a) Bottled drinking water used or sold in a retail food establishment shall be obtained from approved sources in accordance with 21 CFR 129.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-325; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885*)

**410 IAC 7-24-326 Nondrinking water**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 326. (a) Nondrinking water shall be used only for nonculinary purposes, such as the following:

- (1) Air conditioning.
- (2) Nonfood equipment cooling.
- (3) Fire protection.
- (4) Irrigation.

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(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-326; filed Oct 13, 2004, 12:30 p.m.: 28 IR 885*)

### 410 IAC 7-24-327 Water sampling

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 327. (a) Except when used as specified under section 326 of this rule, water from a nonpublic water system shall be sampled and tested at least annually and as required by state water quality regulations.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-327; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886*)

### 410 IAC 7-24-328 Water sample report

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 328. (a) The most recent sample report for the nonpublic water system shall be provided to the regulatory authority upon request.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-328; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886*)

### 410 IAC 7-24-329 Capacity

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 329. (a) The water source and system shall be of sufficient capacity to meet the water demands of the retail food establishment.

(b) Hot water generation and distribution systems shall be sufficient to meet the peak hot water demands throughout the retail food establishment.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-329; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886*)

### 410 IAC 7-24-330 Water pressure

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 330. (a) Water under pressure shall be provided to all fixtures, equipment, and nonfood equipment that are required to use water except that water supplied as specified under section 332(a)(1) and 332(a)(2) of this rule to a temporary retail food establishment or in response to a temporary interruption of a water supply need not be under pressure.

(b) For purposes of this section, a violation of subsection

(a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-330; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886*)

### 410 IAC 7-24-331 Water distribution, delivery, and retention system

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 331. (a) Water shall be received from the source through the use of any of the following:

- (1) A public water supply main.
- (2) An approved private water supply system.
- (3) One (1) or more of the following, which shall be constructed, maintained, and operated according to law:
  - (A) A nonpublic water supply main, water pumps, pipes, hoses, connections, and other appurtenances.
  - (B) Water transport vehicles.
  - (C) Water containers.
  - (D) An alternative water supply.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-331; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886*)

### 410 IAC 7-24-332 Alternative water supply

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 332. (a) Water meeting the requirements specified under section 320, 321, or 325 through 330 of this rule shall be made available for a mobile facility, for a temporary retail food establishment without a permanent water supply, and for a retail food establishment with a temporary interruption of its water supply through any of the following:

- (1) A supply of containers of commercially bottled drinking water.
- (2) One (1) or more closed portable water containers.
- (3) An enclosed vehicular water tank.
- (4) An on-premises water storage tank.
- (5) Piping, tubing, or hoses connected to an adjacent approved source.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-332; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886*)

### 410 IAC 7-24-333 Ice units; separation of drains

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 333. (a) Liquid waste drain lines may not pass through an ice machine or ice storage bin.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-333; filed Oct 13, 2004, 12:30 p.m.: 28 IR 886*)

**410 IAC 7-24-334 Backsiphonage prevention; air gap**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 334. (a) An air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment shall be at least twice the diameter of the water supply inlet and may not be less than one (1) inch.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-334; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887*)

**410 IAC 7-24-335 Backsiphonage prevention device; design standard**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 335. (a) A backsiphonage prevention device installed on a water supply system shall meet the standards in 675 IAC 16-1.3 for:

- (1) construction;
- (2) installation;
- (3) maintenance;
- (4) inspection; and
- (5) testing;

for that specific application and type of device.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-335; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887*)

**410 IAC 7-24-336 Backsiphonage prevention device; when required**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 336. (a) A plumbing system shall be installed to preclude backsiphonage of a solid, liquid, or gas contaminant into the water supply system at each point of use at the retail food establishment, including on hose bibbs with or without a hose attached, and backsiphonage prevention is required by plumbing code by:

- (1) providing an air gap as specified under section 334 of this rule; or
- (2) installing an approved backsiphonage prevention device as specified under section 335 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-336; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887*)

**410 IAC 7-24-337 Backsiphonage prevention device, carbonator**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 337. (a) If not provided with an air gap as specified under section 368 of this rule, a double check valve with an

intermediate vent preceded by a screen of not less than one hundred (100) mesh to twenty-five and four-tenths (25.4) millimeters (one hundred (100) mesh to one (1) inch) shall be installed upstream from a carbonating device and downstream from any copper in the water supply line.

(b) A single or double check valve attached to the carbonator need not be of the vented type if an air gap or vented backflow prevention device has been otherwise provided as specified under subsection (a).

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-337; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887*)

**410 IAC 7-24-338 Backsiphonage prevention device; location**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 338. (a) A backsiphonage prevention device shall be located so that it may be serviced and maintained.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-338; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887*)

**410 IAC 7-24-339 Prohibiting a cross connection**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 339. (a) Except for firefighting purposes, a person may not create a cross connection by connecting a pipe or conduit between the drinking water system and a nondrinking water system or a water system of unknown quality.

(b) The piping of a nondrinking water system shall be durably identified so that it is readily distinguishable from piping that carries drinking water.

(c) For purposes of this section, a violation of subsection (a) is a critical item.

(d) For purposes of this section, a violation of subsection (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-339; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887*)

**410 IAC 7-24-340 Water conditioning device; design**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 340. (a) A water filter, screen, and other water conditioning device installed on water lines shall be designed to facilitate disassembly for periodic servicing and cleaning. A water filter element shall be of the replaceable type.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health;*

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410 IAC 7-24-340; filed Oct 13, 2004, 12:30 p.m.: 28 IR 887)

### 410 IAC 7-24-341 Water conditioning device; location

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 341. (a) A water filter, screen, and other water conditioning device installed on water lines shall be located to facilitate disassembly for periodic servicing and cleaning.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-341; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888*)

### 410 IAC 7-24-342 Hand washing facility; water temperature and flow

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 342. (a) A hand washing facility shall be equipped to provide water having a temperature of at least one hundred (100) degrees Fahrenheit by means of a mixing valve or combination faucet.

(b) A steam mixing valve may not be used at a hand washing sink.

(c) A self-closing, slow-closing, or metering faucet shall provide a flow of water for at least fifteen (15) seconds without the need to reactivate the faucet.

(d) An automatic hand washing facility shall be installed in accordance with manufacturer's instructions.

(e) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-342; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888*)

### 410 IAC 7-24-343 Hand washing sinks; numbers and capacities

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 343. (a) Except as specified in subsection (b):  
(1) at least one (1) hand washing sink;  
(2) a number of hand washing sinks necessary for their convenient use by employees in areas specified under section 344 of this rule; and  
(3) not fewer than the number of hand washing sinks required by 675 IAC 16-1.3;  
shall be provided.

(b) If approved and capable of removing the types of soils encountered in the food operations involved, automatic hand washing facilities may be substituted for hand washing sinks in a retail food establishment that has at least one (1) hand washing sink.

(c) If approved, when food exposure is limited and hand washing sinks cannot be made available, employees in some mobile or temporary retail food establishments or at some vending machine locations may use other effective means for hand washing.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-343; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888*)

### 410 IAC 7-24-344 Hand washing facility; location

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 344. (a) A hand washing facility shall be accessible at all times and located as follows:

(1) To allow convenient use by employees in:

- (A) food preparation;
- (B) food dispensing; and
- (C) warewashing; areas.

(2) In, or immediately adjacent to, toilet rooms.

(3) So as to not contaminate food-contact and clean warewashing surfaces.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-344; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888*)

### 410 IAC 7-24-345 Hand washing facility; maintenance

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 345. (a) A hand washing facility shall be maintained clean at all times for employee use.

(b) A hand washing facility may not be used for purposes other than hand washing.

(c) A hand washing facility shall be used in accordance with manufacturer's instructions.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-345; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888*)

### 410 IAC 7-24-346 Availability of hand washing cleanser

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 346. (a) Each hand washing sink or group of two (2) adjacent sinks shall be provided with a supply of hand cleaning:

- (1) liquid;
- (2) powder; or
- (3) bar;

soap.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-346; filed Oct 13, 2004, 12:30 p.m.: 28 IR 888*)

**410 IAC 7-24-347 Hand drying provisions**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 347. (a) Each hand washing sink or group of adjacent sinks shall be provided with one (1) of the following:

- (1) Individual, disposable towels.
- (2) A continuous towel system that supplies the user with a clean towel.
- (3) A heated-air hand drying device.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-347; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-348 Restrictions on hand washing aids and devices**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 348. (a) A sink used for food preparation or utensil washing, or a service sink or curbed cleaning facility used for the disposal of mop water or similar wastes, may not be provided with the hand washing aids and devices required for a hand washing sink as specified under sections 346, 347, and 386(c) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-348; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-349 Waste receptacles for disposable towels**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 349. (a) A hand washing sink or group of adjacent sinks that is provided with disposable towels shall be provided with a waste receptacle as specified under section 386(c) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-349; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-350 Toilets and urinals**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 350. (a) At least one (1) toilet and not fewer than the toilets required by law shall be provided. If authorized by law and urinals are substituted for toilets, the substitution shall be done as specified in laws of the Indiana department of fire and building services.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-350; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-351 Toilet room receptacle; covered**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 351. (a) A toilet room used by females shall be provided with a covered receptacle for sanitary napkins.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-351; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-352 Enclosed toilet rooms**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 352. (a) A toilet room located on the premises shall be completely enclosed and provided with a tight-fitting and self-closing door, except that this requirement does not apply to a toilet room that is located outside a retail food establishment and does not open directly into the retail food establishment, such as a toilet room that is provided by the management of a shopping mall.

(b) Toilet room doors shall be kept closed, except during cleaning and maintenance.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-352; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-353 Toilet rooms accessibility**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 353. (a) Toilet rooms shall be conveniently located and accessible to employees during all hours of operation.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-353; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-354 Availability of toilet tissue**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 354. (a) A supply of toilet tissue shall be available at each toilet.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-354; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

**410 IAC 7-24-355 Service sink**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

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Sec. 355. (a) At least one (1) service sink or one (1) curbed cleaning facility equipped with:

- (1) a floor drain;
- (2) hot water having a temperature of at least one hundred (100) degrees Fahrenheit; and
- (3) cold water;

shall be provided and conveniently located for the cleaning of mops or similar wet floor cleaning tools and for the disposal of mop water and similar liquid waste. The service sink or curbed cleaning facility, or both, shall not be used in substitution for or as a warewashing or food preparation sink.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-355; filed Oct 13, 2004, 12:30 p.m.: 28 IR 889*)

### 410 IAC 7-24-356 Scheduling inspection and service for a water system device

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 356. (a) A device, such as a water treatment device or backflow preventer, shall be scheduled for inspection and service, in accordance with manufacturer's instructions and as necessary to prevent device failure based on local water conditions, and records demonstrating inspection and service shall be provided to the regulatory authority upon request.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-356; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890*)

### 410 IAC 7-24-357 Water reservoir of fogging devices; cleaning

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 357. (a) A reservoir that is used to supply water to a device, such as a produce fogger, shall be:

- (1) maintained in accordance with manufacturer's specifications; and
- (2) cleaned in accordance with manufacturer's specifications or according to the procedures specified under subsection (b), whichever is more stringent.

(b) Cleaning procedures shall include at least the following steps and shall be conducted at least once a week:

- (1) Draining and complete disassembly of the water and aerosol contact parts.
- (2) Brush-cleaning the reservoir, aerosol tubing, and discharge nozzles with a suitable detergent solution.
- (3) Flushing the complete system with water to remove the detergent solution and particulate accumulation.
- (4) Rinsing by immersing, spraying, or swabbing the reservoir, aerosol tubing, and discharge nozzles with at least fifty (50) ppm hypochlorite solution.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-357; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890*)

### 410 IAC 7-24-358 Mobile water tank and mobile retail food establishment water tank materials

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 358. (a) Materials that are used in the construction of a mobile water tank, mobile retail food establishment water tank, and appurtenances shall be as follows:

- (1) Safe.
- (2) Durable, corrosion-resistant, and nonabsorbent.
- (3) Finished to have a smooth, easily cleanable surface.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-358; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890*)

### 410 IAC 7-24-359 Enclosed system; sloped to drain

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 359. (a) A mobile water tank shall be as follows:

- (1) Enclosed from the filling inlet to the discharge outlet.
- (2) Sloped to an outlet that allows complete drainage of the tank.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-359; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890*)

### 410 IAC 7-24-360 Inspection and cleaning port; protected and secured

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 360. (a) If a water tank is designed with an access port for inspection and cleaning, the opening shall be in the top of the tank and as follows:

- (1) Flanged upward at least one-half (½) inch.
- (2) Equipped with a port cover assembly that is as follows:
  - (A) Provided with a gasket and a device for securing the cover in place.
  - (B) Flanged to overlap the opening and sloped to drain.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-360; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890*)

### 410 IAC 7-24-361 "V" type threads; use limitation

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 361. (a) A fitting with "V" type threads on a water tank inlet or outlet shall be allowed only when a hose is permanently attached.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-361; filed Oct 13, 2004, 12:30 p.m.: 28 IR 890*)

**410 IAC 7-24-362 Tank vent; protected**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 362. (a) If provided, a water tank vent shall terminate in a downward direction and shall be covered with:

- (1) sixteen (16) mesh to one (1) inch screen or equivalent when the vent is in a protected area; or
- (2) a protective filter when the vent is in an area that is not protected from windblown dirt and debris.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-362; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891*)

**410 IAC 7-24-363 Inlet and outlet; sloped to drain**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 363. (a) A water tank and its inlet and outlet shall be sloped to drain.

(b) A water tank inlet shall be positioned so that it is protected from contaminants, such as:

- (1) waste discharge;
- (2) road dust;
- (3) oil; or
- (4) grease.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-363; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891*)

**410 IAC 7-24-364 Hose; construction and identification**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 364. (a) A hose used for conveying drinking water from a water tank shall be as follows:

- (1) Safe.
- (2) Durable, corrosion-resistant, and nonabsorbent.
- (3) Resistant to the following:
  - (A) Pitting.
  - (B) Chipping.
  - (C) crazing.
  - (D) Scratching.
  - (E) Scoring.
  - (F) Distortion.
  - (G) Decomposition.
- (4) Finished with a smooth interior surface.
- (5) Clearly and durably identified as to its use if not permanently attached.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-364; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891*)

**410 IAC 7-24-365 Filter; compressed air**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 365. (a) A filter that does not pass oil or oil vapors shall be installed in the air supply line between the compressor and drinking water system when compressed air is used to pressurize the water tank system.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-365; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891*)

**410 IAC 7-24-366 Protective cover or device**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 366. (a) A:

- (1) cap and keeper chain;
  - (2) closed cabinet;
  - (3) closed storage tube; or
  - (4) other approved protective cover or device;
- shall be provided for a water inlet, outlet, and hose.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-366; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891*)

**410 IAC 7-24-367 Mobile retail food establishment's water tank inlet**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 367. (a) A mobile retail food establishment's water tank inlet shall be as follows:

- (1) Three-fourths (¾) inch in inner diameter or less.
- (2) Provided with a hose connection of a size or type that will prevent its use for any other service.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-367; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891*)

**410 IAC 7-24-368 System flushing and disinfection**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 368. (a) A water tank, pump, and hoses shall be flushed and sanitized before being placed in service after the following:

- (1) Construction.
- (2) Repair.
- (3) Modification.
- (4) Periods of nonuse.

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(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-368; filed Oct 13, 2004, 12:30 p.m.: 28 IR 891*)

### 410 IAC 7-24-369 Using a pump and hoses; backsiphonage prevention

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 369. (a) A person shall operate a water tank, pump, and hoses so that backsiphonage and other contamination of the water supply are prevented.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-369; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892*)

### 410 IAC 7-24-370 Protecting inlet, outlet, and hose fitting

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 370. (a) If not in use, a water tank hose inlet and outlet fitting shall be protected using a cover or device as specified under section 366 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-370; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892*)

### 410 IAC 7-24-371 Water tank, pump, and hoses dedication

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 371. (a) Except as specified in subsection (b), a water tank, pump, and hoses used for conveying drinking water shall be used for no other purpose.

(b) Water tanks, pumps, and hoses approved for liquid foods may be used for conveying drinking water if they are cleaned and sanitized before they are used to convey water.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-371; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892*)

### 410 IAC 7-24-372 Sewage holding tank of mobile retail food establishment; capacity and drainage

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 372. (a) A sewage holding tank in a mobile retail food establishment shall be as follows:

- (1) Sized fifteen percent (15%) larger in capacity than the water supply tank.
- (2) Sloped to a drain that is one (1) inch in inner diameter

or greater, equipped with a shut-off valve.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-372; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892*)

### 410 IAC 7-24-373 Removing mobile retail food establishment wastes

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 373. (a) Sewage and other liquid wastes shall be removed from a mobile retail food establishment at an approved waste servicing area or by a sewage transport vehicle in such a way that a public health hazard or nuisance is not created.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-373; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892*)

### 410 IAC 7-24-374 Establishment drainage systems

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 374. (a) Retail food establishment drainage systems, including grease traps, that convey sewage shall be designed and installed as specified under section 322(a) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-374; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892*)

### 410 IAC 7-24-375 Conveying sewage

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 375. (a) Sewage shall be conveyed to the point of disposal through an approved sanitary sewage system or other system, including use of:

- (1) sewage transport vehicles;
- (2) waste retention tanks;
- (3) pumps;
- (4) pipes;
- (5) hoses; and
- (6) connections;

that are constructed, maintained, and operated according to law.

(b) Except for mobile or temporary retail food establishments, after the effective date of this rule, an owner or operator of a new retail food establishment shall not utilize a holding tank as a means of sewage disposal.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-375; filed Oct 13, 2004, 12:30 p.m.: 28 IR 892*)

**410 IAC 7-24-376 Approved sewage disposal system**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 376. (a) Sewage shall be disposed through an approved facility that is:

- (1) a public sewage treatment plant; or
  - (2) an individual sewage disposal system that is:
    - (A) sized;
    - (B) constructed;
    - (C) maintained; and
    - (D) operated;
- according to law.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-376; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

**410 IAC 7-24-377 Direct connection, prohibited**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 377. (a) Except as specified in this section, a direct connection may not exist between the sewage system and a drain originating from equipment in which food, portable equipment, or utensils are placed.

(b) If allowed under the Indiana plumbing code, a warewashing machine may have a direct connection between its waste outlet and a floor drain when the:

- (1) machine is located within five (5) feet of a trapped floor drain; and
- (2) machine outlet is connected to the inlet side of a properly vented floor drain trap.

(c) If allowed by law, a warewashing or culinary sink may have a direct connection.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-377; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

**410 IAC 7-24-378 Grease trap**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 378. (a) If used, a grease trap shall be located to be easily accessible for cleaning.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-378; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

**410 IAC 7-24-379 Flushing a waste retention tank**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 379. (a) A tank for liquid waste retention shall be

thoroughly flushed and drained in a sanitary manner during the servicing operation.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-379; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

**410 IAC 7-24-380 Other liquid wastes and rainwater**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 380. (a) Condensate drainage and other nonsewage liquids and rainwater shall be drained from the point of discharge to disposal according to law.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-380; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

**410 IAC 7-24-381 Refuse, recyclables, and returnables; indoor storage area**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 381. (a) If located within the retail food establishment, a storage area for refuse, recyclables, and returnables shall meet the requirements specified under section 399, 401 through 404, 406 through 409, 413, or 414 of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-381; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

**410 IAC 7-24-382 Outdoor storage surface; refuse, recyclables, and returnables**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 382. (a) An outdoor storage surface for refuse, recyclables, and returnables shall be as follows:

- (1) Constructed of nonabsorbent material, such as concrete or asphalt.
- (2) Smooth, durable, and sloped to drain.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-382; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

**410 IAC 7-24-383 Outdoor enclosure; refuse, recyclables, and returnables**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 383. (a) If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable and cleanable materials.

(b) For purposes of this section, a violation of subsection

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(a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-383; filed Oct 13, 2004, 12:30 p.m.: 28 IR 893*)

### 410 IAC 7-24-384 Receptacles

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 384. (a) Except as specified in subsection (b), receptacles and waste handling units for refuse, recyclables, and returnables and for use with materials containing food residue shall be as follows:

- (1) Durable.
- (2) Cleanable.
- (3) Insect-resistant.
- (4) Rodent-resistant.
- (5) Leakproof.
- (6) Nonabsorbent.

(b) Plastic bags and wet strength paper bags may be used to line receptacles for storage inside the retail food establishment or within closed outside receptacles.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-384; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894*)

### 410 IAC 7-24-385 Outside receptacles

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 385. (a) Receptacles and waste handling units for refuse, recyclables, and returnables used with materials containing food residue and used outside the retail food establishment shall be designed and constructed to have tight-fitting lids, doors, or covers.

(b) Receptacles and waste handling units for refuse and recyclables, such as an on-site compactor, shall be installed so that accumulation of debris and rodent/insect attraction or harborage are minimized. Such units shall be installed so that effective cleaning is facilitated around and, if the unit is not installed flush with the base pad, under the unit.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-385; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894*)

### 410 IAC 7-24-386 Storage areas, rooms, and receptacles; capacity and availability

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 386. (a) An inside storage room and area, outside storage area and enclosure, and receptacles shall be of sufficient capacity to hold refuse, recyclables, and returnables that accumulate.

(b) A receptacle shall be provided in each area of the retail food establishment or premises where refuse is generated or commonly discarded, or where recyclables or returnables are placed.

(c) If disposable towels are used at hand washing sinks, a waste receptacle shall be located at each sink or group of adjacent sinks.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-386; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894*)

### 410 IAC 7-24-387 Cleaning implements and supplies

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 387. (a) Except as specified in subsection (b), suitable cleaning implements and supplies, such as:

- (1) high pressure pumps;
- (2) hot water;
- (3) steam; and
- (4) detergent;

shall be provided as necessary for effective cleaning of receptacles and waste handling units for refuse, recyclables, and returnables.

(b) If approved, off-premises-based cleaning services may be used if on-premises cleaning implements and supplies are not provided.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-387; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894*)

### 410 IAC 7-24-388 Storage areas, redeeming machines, receptacles, and waste handling units; location

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 388. (a) An area designated for:

- (1) refuse;
- (2) recyclables;
- (3) returnables; and
- (4) except as specified in subsection (b), a redeeming machine for recyclables or returnables;

shall be located so that it is separate from food, equipment, utensils, linens, and single-service and single-use articles and a public health hazard or nuisance is not created.

(b) A redeeming machine may be located in the packaged food storage area or consumer area of a retail food establishment if:

- (1) food;
- (2) equipment;

(3) utensils;  
 (4) linens; and  
 (5) single-service and single-use articles;  
 are not subject to contamination from the machines and a public health hazard or nuisance is not created.

(c) The location of receptacles and waste handling units for refuse, recyclables, and returnables may not:  
 (1) create a public health hazard or nuisance; or  
 (2) interfere with the cleaning of adjacent space.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-388; filed Oct 13, 2004, 12:30 p.m.: 28 IR 894*)

**410 IAC 7-24-389 Storing refuse, recyclables, and returnables**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 389. (a) Refuse, recyclables, and returnables shall be stored in receptacles or waste handling units so that they are inaccessible to insects and rodents.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-389; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895*)

**410 IAC 7-24-390 Storage areas, enclosures, and receptacles; good repair**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 390. (a) Storage areas, enclosures, and receptacles for refuse, recyclables, and returnables shall be maintained in good repair.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-390; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895*)

**410 IAC 7-24-391 Outside storage prohibitions**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 391. (a) Except as specified in subsection (b), refuse receptacles not meeting the requirements specified under section 384(a) of this rule, such as:

- (1) receptacles that are not rodent-resistant;
  - (2) unprotected plastic bags and paper bags; or
  - (3) baled units;
- that contain materials with food residue may not be stored outside.

- (b) Cardboard or other packaging material that:
  - (1) does not contain food residues; and
  - (2) is awaiting regularly scheduled delivery to a recycling

or disposal site;  
 may be stored outside without being in a covered receptacle if it is stored so that it does not create a rodent harborage problem.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-391; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895*)

**410 IAC 7-24-392 Covering receptacles**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 392. (a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be kept covered:

- (1) inside the retail food establishment if the receptacles and units:
  - (A) contain food residue and are not in continuous use; or
  - (B) after they are filled; and
- (2) with tight-fitting lids or doors if kept outside the retail food establishment.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-392; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895*)

**410 IAC 7-24-393 Using drain plugs**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 393. (a) Drains in receptacles and waste handling units for refuse, recyclables, and returnables shall have drain plugs in place.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-393; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895*)

**410 IAC 7-24-394 Maintaining refuse areas and enclosures**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 394. (a) A storage area and enclosure for refuse, recyclables, or returnables shall be maintained free of unnecessary items, as specified under section 426 of this rule, and clean.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-394; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895*)

**410 IAC 7-24-395 Cleaning receptacles**

Authority: IC 16-42-5-5  
 Affected: IC 16-42-5

Sec. 395. (a) Receptacles and waste handling units for refuse, recyclables, and returnables shall be thoroughly

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cleaned in a way that does not contaminate:

- (1) food;
- (2) equipment;
- (3) utensils;
- (4) linens; or
- (5) single-service and single-use articles;

and wastewater shall be disposed of in a manner that does not create a public health hazard or nuisance.

(b) Soiled receptacles and waste handling units for refuse, recyclables, and returnables shall be cleaned at a frequency necessary to prevent them from:

- (1) developing a build-up of soil; or
- (2) becoming attractants for insects and rodents.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-395; filed Oct 13, 2004, 12:30 p.m.: 28 IR 895*)

### 410 IAC 7-24-396 Frequency

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 396. (a) Refuse, recyclables, and returnables shall be removed from the premises at a frequency that will minimize the development of objectionable odors and other conditions that attract or harbor insects and rodents.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-396; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896*)

### 410 IAC 7-24-397 Receptacles or vehicles

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 397. (a) Refuse, recyclables, and returnables shall be removed from the premises by way of:

- (1) portable receptacles that are constructed and maintained according to law; or
- (2) a transport vehicle that is:
  - (A) constructed;
  - (B) maintained; and
  - (C) operated;according to law.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-397; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896*)

### 410 IAC 7-24-398 Community or individual facility

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 398. (a) Solid waste not disposed of through the sewage system, such as through grinders and pulpers, shall be:

- (1) recycled or disposed of in an approved public or

private community recycling or refuse facility; or  
(2) disposed of in an individual refuse facility, such as a landfill or incinerator that is:

- (A) sized;
- (B) constructed;
- (C) maintained; and
- (D) operated;

according to law.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-398; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896*)

### 410 IAC 7-24-399 Surface characteristics of materials for indoor area construction and repair

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 399. (a) Except as specified in subsection (b), materials for indoor floor, wall, and ceiling surfaces under conditions of normal use shall be as follows:

- (1) Smooth, durable, and easily cleanable for areas where retail food establishment operations are conducted.
- (2) Closely woven and easily cleanable carpet for carpeted areas.
- (3) Nonabsorbent for areas subject to moisture, such as the following:
  - (A) Food preparation areas.
  - (B) Walk-in refrigerators.
  - (C) Warewashing areas.
  - (D) Employee toilet rooms.
  - (E) Mobile retail food establishment servicing areas.
  - (F) Areas subject to flushing or spray cleaning methods.

(b) In a temporary food establishment:

- (1) if graded to drain, a floor may be concrete, machine-laid asphalt, or dirt or gravel if it is covered with:
  - (A) mats;
  - (B) removable platforms;
  - (C) duckboards; or
  - (D) other suitable materials;that are effectively treated to control dust and mud; and
- (2) walls and ceilings may be constructed of a material that protects the interior from:
  - (A) the weather; and
  - (B) windblown dust and debris.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-399; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896*)

### 410 IAC 7-24-400 Surface characteristics of materials for outdoor area construction and repair

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 400. (a) The outdoor walking and driving areas shall be surfaced with concrete, asphalt, gravel, or other materials that have been effectively treated to:**

- (1) minimize dust;
- (2) facilitate maintenance; and
- (3) prevent muddy conditions.

**(b) Exterior surfaces of buildings and mobile retail food establishments shall:**

- (1) be of weather-resistant materials; and
- (2) comply with law.

**(c) Outdoor storage areas for refuse, recyclables, or returnables shall be of materials specified under section 382 or 383 of this rule.**

**(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-400; filed Oct 13, 2004, 12:30 p.m.: 28 IR 896*)

**410 IAC 7-24-401 Installation and restrictions of floor carpeting**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 401. (a) A floor covering, such as carpeting or similar material, may not be installed as a floor covering in:**

- (1) food preparation areas;
- (2) walk-in refrigerators;
- (3) warewashing areas;
- (4) toilet room areas where:
  - (A) hand washing sinks;
  - (B) toilets; and
  - (C) urinals;
 are located;
- (5) refuse storage rooms; or
- (6) other areas where the floor is subject to:
  - (A) moisture;
  - (B) flushing; or
  - (C) spray cleaning methods.

**(b) If carpeting is installed as a floor covering in areas other than those specified under subsection (a), it shall be as follows:**

- (1) Securely attached to the floor with a durable mastic by using:
  - (A) a stretch and tack method; or
  - (B) another method.
- (2) Installed:
  - (A) tightly against the wall under the coving; or
  - (B) away from the wall with a space between the carpet and the wall and with the edges of the carpet secured by:
    - (i) metal stripping; or
    - (ii) some other means.

**(c) For purposes of this section, a violation of subsection**

**(a) or (b) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-401; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897*)

**410 IAC 7-24-402 Cleanability of floors, walls, and ceilings**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 402. (a) Except as specified under section 401 of this rule, the:**

- (1) floors;
- (2) floor coverings;
- (3) walls;
- (4) wall coverings; and
- (5) ceilings;

**shall be designed, constructed, and installed so they are smooth and easily cleanable, except that antislip floor coverings or applications may be used for safety reasons.**

**(b) For purposes of this section, a violation of subsection (a) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-402; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897*)

**410 IAC 7-24-403 Cleanability of floors, walls, and ceilings relative to utility lines**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 403. (a) Utility service lines and pipes may not be unnecessarily exposed.**

**(b) Exposed utility service lines and pipes shall be installed so they do not obstruct or prevent cleaning of the floors, walls, or ceilings.**

**(c) Exposed horizontal utility service lines and pipes may not be installed on the floor.**

**(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item.** (*Indiana State Department of Health; 410 IAC 7-24-403; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897*)

**410 IAC 7-24-404 Cleanability of floors and wall junctures; coved, and closed or sealed**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

**Sec. 404. (a) In retail food establishments in which cleaning methods other than water flushing are used for cleaning floors, the floor and wall junctures shall be coved and closed to no larger than one thirty-second ( $\frac{1}{32}$ ) inch.**

**(b) The floors in retail food establishments in which water flush cleaning methods are used shall be provided with drains and be graded to drain, and the floor and wall**

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junctures shall be covered and sealed.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-404; filed Oct 13, 2004, 12:30 p.m.: 28 IR 897*)

### 410 IAC 7-24-405 Cleaning floors; dustless methods

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 405. (a) Except as specified in subsection (b), only dustless methods of cleaning shall be used, such as the following:

- (1) Wet cleaning.
- (2) Vacuum cleaning.
- (3) Mopping with treated dust mops.
- (4) Sweeping using a broom and dust-arresting compounds.

(b) Spills or drippage on floors that occur between normal floor cleaning times may be cleaned as follows:

- (1) Without the use of dust-arresting compounds.
- (2) In the case of liquid spills or drippage, with the use of a small amount of absorbent compound, such as sawdust or diatomaceous earth, applied immediately before spot cleaning.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-405; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898*)

### 410 IAC 7-24-406 Mats and duckboards as floor coverings

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 406. (a) Mats and duckboards shall be designed to be removable and easily cleanable.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-406; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898*)

### 410 IAC 7-24-407 Wall and ceiling coverings and coatings

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 407. (a) Wall and ceiling covering materials shall be attached so that they are easily cleanable.

(b) Except in areas used only for dry storage, concrete, porous blocks, or bricks used for indoor wall construction shall be finished and sealed to provide a smooth, nonabsorbent, easily cleanable surface.

(c) For purposes of this section, a violation of subsection

(a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-407; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898*)

### 410 IAC 7-24-408 Wall and ceiling attachments

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 408. (a) Except as specified in subsection (b), attachments to walls and ceilings, such as:

- (1) light fixtures;
- (2) mechanical room ventilation system components;
- (3) vent covers;
- (4) wall-mounted fans;
- (5) decorative items; and
- (6) other attachments;

shall be easily cleanable.

(b) In a consumer area, wall and ceiling surfaces and decorative items and attachments that are provided for ambiance need not meet this requirement if they are kept clean.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-408; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898*)

### 410 IAC 7-24-409 Exposure of wall and ceiling studs, joists, and rafters

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 409. (a) Studs, joists, and rafters may not be exposed in areas subject to moisture. This requirement does not apply to temporary retail food establishments.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-409; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898*)

### 410 IAC 7-24-410 Functionality of light bulbs and protective shielding

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 410. (a) Except as specified in subsection (b), light bulbs shall be shielded, coated, or otherwise shatter-resistant in areas where there is:

- (1) exposed food;
- (2) clean equipment, utensils, and linens; or
- (3) unwrapped single-service and single-use articles.

(b) Shielded, coated, or otherwise shatter-resistant bulbs need not be used in areas used only for storing food in unopened packages if the:

- (1) integrity of the packages cannot be affected by broken glass falling onto them; and

(2) packages are capable of being cleaned of debris from broken bulbs before the packages are opened.

(c) An infrared or other heat lamp shall be protected against breakage by a shield surrounding and extending beyond the bulb so that only the face of the bulb is exposed.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-410; filed Oct 13, 2004, 12:30 p.m.: 28 IR 898*)

**410 IAC 7-24-411     Lighting intensity**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 411. (a) The light intensity shall be at least seventy (70) foot-candles:

- (1) on all food preparation surfaces; and
- (2) at equipment or utensil-washing work levels.

(b) The light intensity shall be at least twenty (20) foot-candles at a distance of thirty (30) inches above the floor in the following:

- (1) Utensil and equipment storage areas.
- (2) Sink and toilet areas.
- (3) Walk-in refrigeration units.
- (4) Dry food storage areas.
- (5) All other areas.

This includes the areas where food is provided for consumer self-service, such as buffets and salad bars, and rooms during periods of cleaning.

(c) The light intensity shall be at least twenty (20) foot-candles inside equipment, such as reach-in and under-counter refrigerators.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-411; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899*)

**410 IAC 7-24-412     Design and installation of insect control devices**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 412. (a) Insect control devices that are used to electrocute or stun flying insects shall be designed to retain the insect within the device.

- (b) Insect control devices shall be installed so that:
- (1) the devices are not located over a food preparation area; and
  - (2) dead insects and insect fragments are prevented from being impelled onto or falling on:
    - (A) exposed food;
    - (B) clean equipment, utensils, and linens; and

(C) unwrapped single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a), (b), or (c) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-412; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899*)

**410 IAC 7-24-413     Protected outer openings**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 413. (a) Except as specified in this section, outer openings of a retail food establishment shall be protected against the entry of insects and rodents by:

- (1) filling or closing holes and other gaps along floors, walls, and ceilings;
- (2) closed, tight-fitting windows; and
- (3) solid, self-closing, and tight-fitting doors.

(b) Subsection (a) does not apply if a retail food establishment opens into:

- (1) a larger structure, such as a mall, airport, or office building; or
  - (2) an attached structure, such as a porch;
- and the outer openings from the larger or attached structure are protected against the entry of insects and rodents.

(c) External emergency exit doors that are:

- (1) solid and tight-fitting when closed; and
  - (2) restricted from nonemergency use;
- do not need to have a self-closing device installed.

(d) Except as specified in subsections (b) and (e), if the windows or doors of a retail food establishment, or of a larger structure within which a retail food establishment is located, are kept open for ventilation or other purposes or a temporary retail food establishment is not provided with windows and doors as specified under subsection (a), the openings shall be protected against the entry of insects and rodents by:

- (1) sixteen (16) mesh to one (1) inch screens;
- (2) properly designed and installed air curtains; or
- (3) other effective means.

(e) Subsection (d) does not apply if flying insects and other pests are absent due to the location of:

- (1) the establishment;
- (2) the weather; or
- (3) other limiting conditions.

(f) For purposes of this section, a violation of subsection (a), (b), (c), or (d) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-413; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899*)

**410 IAC 7-24-414     Protective barriers on exterior walls and roofs**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

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Sec. 414. (a) Perimeter walls and roofs of a retail food establishment shall effectively protect the establishment from the:

- (1) weather; and
- (2) entry of:
  - (A) insects;
  - (B) rodents; and
  - (C) other animals.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-414; filed Oct 13, 2004, 12:30 p.m.: 28 IR 899*)

### 410 IAC 7-24-415 Controlling pests

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 415. (a) The presence of insects, rodents, and other pests shall be controlled to minimize their presence on the premises by:

- (1) routinely inspecting incoming shipments of food and supplies;
- (2) routinely inspecting the premises for evidence of pests;
- (3) using methods, if pests are found, such as trapping devices or other means of pest control as specified under section 441, 449, or 450 of this rule; and
- (4) eliminating harborage conditions.

(b) For purposes of this section, a violation of subsection (a)(3) is a critical item.

(c) For purposes of this section, a violation of subsection (a)(1), (a)(2), or (a)(4) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-415; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900*)

### 410 IAC 7-24-416 Removing dead or trapped birds, insects, rodents, and other pests

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 416. (a) Dead or trapped:

- (1) birds;
- (2) insects;
- (3) rodents; and
- (4) other pests;

shall be removed from control devices and the premises at a frequency that prevents their accumulation, decomposition, or attraction of pests.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-416; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900*)

### 410 IAC 7-24-417 Designation of dressing areas or lockers

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 417. (a) Dressing rooms or dressing areas shall be designated and used if employees routinely change their clothes in the establishment.

(b) Lockers or other suitable facilities shall be provided and used for the orderly storage of employees' clothing and other possessions.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-417; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900*)

### 410 IAC 7-24-418 Designated employee areas

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 418. (a) Areas designated for employees to eat, drink, and use tobacco shall be located so that:

- (1) food;
  - (2) equipment;
  - (3) linens; and
  - (4) single-service and single-use articles;
- are protected from contamination.

(b) Lockers or other suitable facilities shall be located in a designated room or area where contamination of:

- (1) food;
  - (2) equipment;
  - (3) utensils;
  - (4) linens; and
  - (5) single-service and single-use articles;
- cannot occur.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-418; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900*)

### 410 IAC 7-24-419 Medicine restrictions and storage

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 419. (a) Only those medicines that are necessary for the health of employees shall be allowed in a retail food establishment. This section does not apply to medicines that are stored or displayed for retail sale.

(b) Medicines that are in a retail food establishment for the employees' use shall be:

- (1) labeled as specified under section 437 of this rule; and
- (2) located to prevent the contamination of:
  - (A) food;
  - (B) equipment;
  - (C) utensils;
  - (D) linens; and
  - (E) single-service and single-use articles.

(c) For purposes of this section, a violation of subsection

(a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-419; filed Oct 13, 2004, 12:30 p.m.: 28 IR 900*)

**410 IAC 7-24-420 Refrigerated medicines; storage**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 420. (a) Medicines belonging to employees or to children in a child care center that require refrigeration and are stored in a food refrigerator shall be:

- (1) stored in a package or container;
- (2) kept inside a covered, leakproof container that is identified as a container for the storage of medicines; and
- (3) located so they are inaccessible to children.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-420; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901*)

**410 IAC 7-24-421 Storage of first aid supplies**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 421. (a) First aid supplies that are in a retail food establishment for the employees' use shall be labeled as specified under section 437 of this rule.

(b) First aid supplies shall be stored in a kit or a container that is located to prevent the contamination of the following:

- (1) Food.
- (2) Equipment.
- (3) Utensils.
- (4) Linens.
- (5) Single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical or noncritical [*sic.*] based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard. (*Indiana State Department of Health; 410 IAC 7-24-421; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901*)

**410 IAC 7-24-422 Storage of other personal care items**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 422. (a) Except as specified under section 420 or 421 of this rule, employees shall store their personal care items in facilities as specified under section 417(b) of this rule.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-422; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901*)

**410 IAC 7-24-423 Private homes and living or sleeping quarters; use prohibited**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 423. (a) The following may not be used for retail food establishment operations:

- (1) A private home.
- (2) A room used as living or sleeping quarters.
- (3) An area directly opening into a room used as living or sleeping quarters.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-423; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901*)

**410 IAC 7-24-424 Separation of living or sleeping quarters**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 424. (a) Living or sleeping quarters located on the premises of a retail food establishment, such as those provided for lodging registration clerks or resident managers, shall be separated from rooms and areas used for retail food establishment operations by complete partitioning and solid self-closing doors.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-424; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901*)

**410 IAC 7-24-425 Storing maintenance tools**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 425. (a) Maintenance tools, such as brooms, mops, vacuum cleaners, and similar items, shall be stored so they do not contaminate the following:

- (1) Food.
- (2) Equipment.
- (3) Utensils.
- (4) Linens.
- (5) Single-service and single-use articles.

(b) These same maintenance tools shall be stored in an orderly manner that facilitates cleaning the area used for storing the maintenance tools.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-425; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901*)

**410 IAC 7-24-426 Maintaining premises of unnecessary items and litter**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 426. (a) The premises shall be free of litter and items that are unnecessary to the operation or maintenance of the establishment, such as equipment that is nonfunctional or no longer used.

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(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-426; filed Oct 13, 2004, 12:30 p.m.: 28 IR 901*)

### 410 IAC 7-24-427 Overhead protection on outdoor servicing areas

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 427. (a) Servicing areas shall be provided with overhead protection, except that areas used only for the loading of water or the discharge of sewage and other liquid waste through the use of a closed system of hoses, need not be provided with overhead protection.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-427; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

### 410 IAC 7-24-428 Outdoor walking and driving surfaces graded to drain

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 428. (a) Exterior walking and driving surfaces shall be graded to drain.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-428; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

### 410 IAC 7-24-429 Outdoor refuse areas; curbed and graded to drain

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 429. (a) Outdoor refuse areas shall be:  
(1) constructed in accordance with law; and  
(2) curbed and graded to drain to collect and dispose of liquid waste that results from:  
(A) the refuse; and  
(B) cleaning the area and waste receptacles.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-429; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

### 410 IAC 7-24-430 Repairing premises, structures, and attachments

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 430. (a) The physical facilities shall be maintained in good repair.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-430; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

### 410 IAC 7-24-431 Physical structures; restrictions and frequency of cleaning

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 431. (a) The physical facilities shall be cleaned as often as necessary to keep them clean.

(b) Cleaning shall be done during periods when the least amount of food is exposed, such as after closing. This requirement does not apply to cleaning that is necessary due to a spill or other accident.

(c) For purposes of this section, a violation of subsection (a) or (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-431; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

### 410 IAC 7-24-432 Cleaning maintenance tools and preventing contamination

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 432. (a) Food preparation sinks, hand washing sinks, and warewashing equipment may not be used for the following:

- (1) Cleaning of maintenance tools.
- (2) Preparation or holding of maintenance materials.
- (3) Disposal of mop water and similar liquid wastes.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-432; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

### 410 IAC 7-24-433 Drying mops

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 433. (a) After use, mops shall be placed in a position that allows them to air-dry without soiling walls, equipment, or supplies.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-433; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

### 410 IAC 7-24-434 Limitation of absorbent materials on floors

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 434. (a) Except as specified in section 405(b) of this rule:

- (1) sawdust;
  - (2) wood shavings;
  - (3) granular salt;
  - (4) baked clay;
  - (5) diatomaceous earth; or
  - (6) similar materials;
- may not be used on floors.

(b) For purposes of this section, a violation of subsection (a) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-434; filed Oct 13, 2004, 12:30 p.m.: 28 IR 902*)

**410 IAC 7-24-435 Animal handling prohibited**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 435. (a) Except as specified in subsection (b), food employees may not care for or handle animals that may be present, such as patrol dogs, service animals, or pets that are allowed as specified in section 436(b)(2) through 436(b)(5) of this rule.

(b) Food employees with service animals may handle or care for their service animals, and food employees may handle or care for fish in aquariums or molluscan shellfish or crustacea in display tanks if they wash their hands as specified under section 128 or 129 of this rule.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-435; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903*)

**410 IAC 7-24-436 Prohibiting animals**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 436. (a) Except as specified in this section, live animals may not be allowed in the operational areas of a retail food establishment.

(b) Live animals may be allowed if the contamination of food, clean equipment, utensils, linens, and unwrapped single-service and single-use articles cannot result, as in the following situations:

- (1) Edible fish or decorative fish in aquariums, shellfish or crustacea on ice or under refrigeration, and shellfish and crustacea in display tank systems.
- (2) Patrol dogs accompanying police or security officers in offices and dining, sales, and storage areas, and sentry dogs running loose in outside fenced areas.
- (3) In areas that are not used for food preparation and are usually open for customers, such as dining and sales areas, service animals that are controlled by the disabled employee or person, if a health or safety hazard will not result from the presence or activities of the service animal.
- (4) Pets in the common dining areas of institutional care facilities, such as nursing homes, assisted living facilities, or residential care facilities, at times other than during meals if:
  - (A) effective partitioning and self-closing doors separate the common dining areas from food storage or food preparation areas;
  - (B) condiments, equipment, and utensils are stored in enclosed cabinets or removed from the common dining areas when pets are present; and

(C) dining areas, including tables, countertops, and similar surfaces, are effectively cleaned before the next meal service.

(5) In areas that are not used for food preparation, storage, sales, display, or dining, in which there are caged animals or animals that are similarly restricted, such as in a:

- (A) variety store that sells pets; or
- (B) tourist park that displays animals.

(c) Live or dead fish bait may be stored if contamination of:

- (1) food;
- (2) clean equipment, utensils, and linens; and
- (3) unwrapped single-service and single-use articles; cannot result.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-436; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903*)

**410 IAC 7-24-437 Identifying information on original containers**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 437. (a) Containers of poisonous or toxic materials and personal care items shall bear a legible manufacturer's label.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-437; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903*)

**410 IAC 7-24-438 Working containers; common name**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 438. (a) Working containers used for storing poisonous or toxic materials, such as cleaners and sanitizers taken from bulk supplies, shall be clearly and individually identified with the common name of the material.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-438; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903*)

**410 IAC 7-24-439 Separation of poisonous or toxic materials**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 439. (a) Poisonous or toxic materials shall be stored so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (1) separating the poisonous or toxic materials by spacing or partitioning; and
- (2) locating the poisonous or toxic materials in an area that is not above:
  - (A) food;

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- (B) equipment;
- (C) utensils;
- (D) linens; and
- (E) single-service or single-use articles.

This section does not apply to equipment and utensil cleaners and sanitizers that are stored in warewashing areas for availability and convenience if the materials are stored to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles.

(b) For purposes of this section, a violation of subsection (a)(1) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard.

(c) For purposes of this section, a violation of subsection (a)(2) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-439; filed Oct 13, 2004, 12:30 p.m.: 28 IR 903*)

### 410 IAC 7-24-440 Restriction of poisonous or toxic materials

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 440. (a) Only those poisonous or toxic materials that are required for the operation and maintenance of a retail food establishment, such as for the:

- (1) cleaning and sanitizing of equipment and utensils; and
  - (2) control of insects and rodents;
- shall be allowed in a retail food establishment.

(b) Subsection (a) does not apply to packaged poisonous or toxic materials that are for retail sale.

(c) For purposes of this section, a violation of subsection (a) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard.

(d) For purposes of this section, a violation of subsection (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-440; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904*)

### 410 IAC 7-24-441 Conditions of poisonous or toxic materials use

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 441. (a) Poisonous or toxic materials shall be used according to the following:

- (1) The law and this rule.
- (2) Manufacturer's use directions included in labeling and, for a pesticide, manufacturer's label instructions that state that use is allowed in a retail food establishment.
- (3) The conditions of certification for use of the pest control materials.

(4) Additional conditions that may be established by the regulatory authority.

(b) Poisonous or toxic materials shall be applied so that: (1) a hazard to employees or other persons is not constituted; and

(2) contamination, including toxic residues due to drip, drain, fog, splash, or spray on food, equipment, utensils, linens, and single-service and single-use articles is prevented and, for a restricted use pesticide, this is achieved by:

- (A) removing the items;
- (B) covering the items with impermeable covers; or
- (C) taking other appropriate preventive actions; and cleaning and sanitizing equipment and utensils after application.

(c) A restricted use pesticide shall be applied only by the following:

- (1) An applicator certified according to law.
- (2) A person under the direct supervision of a certified applicator.

(d) For purposes of this section, a violation of subsection (a), (b), or (c) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-441; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904*)

### 410 IAC 7-24-442 Poisonous or toxic material containers

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 442. (a) A container previously used to store poisonous or toxic materials may not be used to store, transport, or dispense food.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-442; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904*)

### 410 IAC 7-24-443 Sanitizers; criteria

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 443. (a) Chemical sanitizers and other chemical antimicrobials applied to food-contact surfaces shall meet the requirements specified in 21 CFR 178.1010.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-443; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904*)

### 410 IAC 7-24-444 Chemicals for washing fruits and vegetables; criteria

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 444. (a) Chemicals used to wash or peel raw, whole fruits and vegetables shall meet the requirements specified in 21 CFR 173.315.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-444; filed Oct 13, 2004, 12:30 p.m.: 28 IR 904*)

**410 IAC 7-24-445 Boiler water additives; criteria**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 445. (a) Chemicals used as boiler water additives shall meet the requirements specified in 21 CFR 173.310.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-445; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905*)

**410 IAC 7-24-446 Drying agents; criteria**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 446. (a) Drying agents used in conjunction with sanitization shall contain only components that are listed as one (1) of the following:

- (1) Generally recognized as safe for use in food as specified in 21 CFR 182 or 21 CFR 184.
- (2) Generally recognized as safe for the intended use as specified in 21 CFR 186.
- (3) Approved for use as a drying agent under a prior sanction specified in 21 CFR 181.
- (4) Specifically regulated as an indirect food additive for use as a drying agent as specified in 21 CFR 175 through 21 CFR 178.
- (5) Approved for use as a drying agent under the threshold of regulation process established by 21 CFR 170.39.

(b) When sanitization is with chemicals, the approval required under subsection (a)(3) or (a)(5) or the regulation as an indirect food additive required under subsection (a)(4), shall be specifically for use with chemical sanitizing solutions.

(c) For purposes of this section, a violation of subsection (a) or (b) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-446; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905*)

**410 IAC 7-24-447 Incidental food contact with lubricants**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 447. (a) Lubricants shall meet the requirements specified in 21 CFR 178.3570 if they are used on the following:

- (1) Food-contact surfaces.
- (2) Bearings and gears located:
  - (A) on or within food-contact surfaces; or
  - (B) so that lubricants may:
    - (i) leak;
    - (ii) drip; or

(iii) be forced;  
into food or onto food-contact surfaces.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-447; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905*)

**410 IAC 7-24-448 Restricted use pesticides; criteria**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 448. (a) Restricted use pesticides specified under section 441(c) of this rule shall meet the requirements specified in law and rules of the office of the Indiana state chemist.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-448; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905*)

**410 IAC 7-24-449 Rodent bait stations**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 449. (a) Rodent bait shall be contained in a covered, tamper-resistant bait station.

(b) For purposes of this section, a violation of subsection (a) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-449; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905*)

**410 IAC 7-24-450 Use of tracking powders; pest control and monitoring**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 450. (a) A toxic tracking powder pesticide may not be used in a retail food establishment.

(b) If used, a nontoxic tracking powder, such as talcum or flour, may not contaminate the following:

- (1) Food.
- (2) Equipment.
- (3) Utensils.
- (4) Linens.
- (5) Single-service and single-use articles.

(c) For purposes of this section, a violation of subsection (a) is a critical item.

(d) For purposes of this section, a violation of subsection (b) is a noncritical item. (*Indiana State Department of Health; 410 IAC 7-24-450; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905*)

**410 IAC 7-24-451 Separate storage and display of poisonous or toxic materials**

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

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Sec. 451. (a) Poisonous or toxic materials shall be stored and displayed for retail sale so they cannot contaminate food, equipment, utensils, linens, and single-service and single-use articles by:

- (1) separating the poisonous or toxic materials by spacing or partitioning; and
- (2) locating the poisonous or toxic materials in an area that is not above:
  - (A) food;
  - (B) equipment;
  - (C) utensils;
  - (D) linens; and
  - (E) single-service or single-use articles.

(b) For purposes of this section, a violation of subsection (a)(1) is a critical or noncritical item based on the determination of whether or not the violation significantly contributes to food contamination, an illness, or environmental health hazard.

(c) For purposes of this section, a violation of subsection (a)(2) is a critical item. (*Indiana State Department of Health; 410 IAC 7-24-451; filed Oct 13, 2004, 12:30 p.m.: 28 IR 905*)

### 410 IAC 7-24-452 Incorporation by reference

Authority: IC 16-42-5-5  
Affected: IC 16-42-5

Sec. 452. (a) When used in this article, references to the following publications shall mean the version of that publication listed in this subsection. The following publications are hereby incorporated by reference:

- (1) 7 CFR 56 (January 1, 2004 Edition).
- (2) 9 CFR 317 (January 1, 2003 Edition).
- (3) 9 CFR 318.7 (January 1, 1999 Edition).
- (4) 9 CFR 319 (January 1, 2003 Edition).
- (5) 9 CFR 424.21 (January 1, 1999 Edition).
- (6) 9 CFR 381, Subpart N (January 1, 2003 Edition).
- (7) 9 CFR 381.147 (January 1, 2003 Edition).
- (8) 9 CFR 590 (January 1, 2003 Edition).
- (9) 21 CFR 70 (April 1, 2003 Edition).
- (10) 21 CFR 101 (April 1, 2003 Edition).
- (11) 21 CFR 109 (April 1, 2003 Edition).
- (12) 21 CFR 113 (April 1, 2003 Edition).
- (13) 21 CFR 120 (April 1, 2003 Edition).
- (14) 21 CFR 129 (April 1, 2003 Edition).
- (15) 21 CFR 130 (April 1, 2003 Edition).
- (16) 21 CFR 131 through 21 CFR 169 (April 1, 2003 Edition).
- (17) 21 CFR 170 through 21 CFR 186 (April 1, 2003 Edition).
- (18) 21 CFR 1030.10 (April 1, 2003 Edition).
- (19) 40 CFR 152 (July 1, 2003 Edition).
- (20) 40 CFR 185 (July 1, 1999 Edition).
- (21) Food, Drug and Cosmetic Act, Section 201(s).
- (22) Food, Drug and Cosmetic Act, Section 201(t).
- (23) Food, Drug and Cosmetic Act, Section 409.

(24) Food, Drug and Cosmetic Act, Section 706.

(25) Food Establishment Plan Review Guide, Food and Drug Administration and Conference for Food Protection (2000 Edition).

(26) Pre-operational Guide for Temporary Food Establishments, Food and Drug Administration and Conference for Food Protection (2000 Edition).

(27) United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 et seq.) (effective April 6, 1995). Copies are available from the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, P.O. Box 964, Washington, D.C. 20090-6456.

(28) National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (1999 Revision). Copies are available from the United States Food and Drug Administration, Center for Food Safety and Applied Nutrition, Shellfish Sanitation Program, HFS-628, 200 "C" Street, S.W., Washington, D.C. 20204.

(29) Food and Drug Administration Center for Drug Evaluation and Research Approved Drug Products with Therapeutic Equivalence Evaluation, 24 Edition.

(30) Hazard Analysis and Critical Control Point Principles and Application Guidelines (August 14, 1997 Edition).

(31) National Sanitation Foundation (NSF) Protocol P155 (January 8, 2003 Edition).

(b) Federal rules that have been incorporated by reference do not include any later amendments than those specified in the incorporated citation. Sales of the Code of Federal Regulations are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. (*Indiana State Department of Health; 410 IAC 7-24-452; filed Oct 13, 2004, 12:30 p.m.: 28 IR 906*)

### SECTION 2. 410 IAC 7-20 IS REPEALED.

*LSA Document #04-60(F)*

*Notice of Intent Published: April 1, 2004; 27 IR 2302*

*Proposed Rule Published: July 1, 2004; 27 IR 3216*

*Hearing Held: July 23, 2004*

*Approved by Attorney General: September 29, 2004*

*Approved by Governor: October 4, 2004*

*Filed with Secretary of State: October 13, 2004, 12:30 p.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: **Volume 1 contains:***

*1. 7 CFR 56 (January 1, 2004) Agriculture; Voluntary Grading of Shell Eggs*

*2. 9 CFR 317 (January 1, 2003) Animals and Animal Products; Labeling, Marking Devices and Containers*

*3. 9 CFR 318.7 (January 1, 1999) Animals and Animal Products; Entry into Official Establishments; Reinspection and Preparation of Products; Approval of substances for use in the preparation of products*

*4. 9 CFR 319 (January 1, 2003) Animals and Animal Products; Definitions and Standards of Identity or Composition*

5. 9 CFR 424.21 (January 1, 1999) *Animals and Animal Products; Preparation and Processing Operations*
6. 9 CFR 381, Subpart N (January 1, 2003) *Animals and Animal Products; Poultry Products Inspection Regulations; Labeling and Containers*
7. 9 CFR 381.147 (January 1, 2003) *Animals and Animal Products; Poultry Products Inspection Regulations; Restrictions on the use of substances in poultry products*
8. 9 CFR 590 (January 1, 2003) *Animals and Animal Products; Inspection of Eggs and Egg Products*
9. 21 CFR 70 (April 1, 2003) *Food and Drugs; Color Additives*
10. 21 CFR 101 (April 1, 2003) *Food and Drugs; Food Labeling*

**Volume 2 contains:**

11. 21 CFR 109 (April 1, 2003) *Food and Drugs; Unavoidable Contaminants in Food for Human Consumption and Food-Packaging*
12. 21 CFR 113 (April 1, 2003) *Food and Drugs; Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers*
13. 21 CFR 120 (April 1, 2003) *Food and Drugs; Hazard Analysis and Critical Control Point (HACCP) Systems*
14. 21 CFR 129 (April 1, 2003) *Food and Drugs; Processing and Bottling or Bottled Drinking Water*
15. 21 CFR 130 (April 1, 2003) *Food and Drugs; Food Standards; General*
16. 21 CFR 131 through 169 (April 1, 2003) *Food and Drugs*
  - a. 21 CFR 131 *Milk and Cream*
  - b. 21 CFR 133; *Cheeses and Related Cheese Products*
  - c. 21 CFR 135; *Frozen Desserts*
  - d. 21 CFR 136; *Bakery Products*
  - e. 21 CFR 137; *Cereal Flours and Related Products*
  - f. 21 CFR 139; *Macaroni and Noodle Products*
  - g. 21 CFR 145; *Canned Fruits*
  - h. 21 CFR 146; *Canned Fruit Juices*
  - i. 21 CFR 150; *Fruit Butters, Jellies, Preserves, and Related Products*
  - j. 21 CFR 152; *Fruit Pies*
  - k. 21 CFR 155; *Canned Vegetables*
  - l. 21 CFR 156; *Vegetable Juices*
  - m. 21 CFR 158; *Frozen Vegetables*
  - n. 21 CFR 160; *Eggs and Egg Products*
  - o. 21 CFR 161; *Fish and Shellfish*
  - p. 21 CFR 163; *Cacao Products*
  - q. 21 CFR 164; *Tree Nut and Peanut Products*
  - r. 21 CFR 165; *Beverages*
  - s. 21 CFR 166; *Margarine*
  - t. 21 CFR 168; *Sweeteners and Table Syrups*
  - u. 21 CFR 169; *Food Dressings and Flavorings*
17. 21 CFR 170 through 186 (April 1, 2003); *Food and Drugs*
  - a. 21 CFR 170; *Food Additives*
  - b. 21 CFR 171; *Food Additive Petitions*
  - c. 21 CFR 172; *Food Additives Permitted for Direct Addition to Food For Human Consumption*

**Volume 2 ends with 21 CFR 172.725.**

**Volume 3 starts with 21 CFR 172.730 and also contains:**

- d. 21 CFR 173; *Secondary Direct Food Additives Permitted in Food for Human Consumption*
- e. 21 CFR 174; *Indirect Food Additives; General*
- f. 21 CFR 175; *Indirect Food Additives; Adhesives and Components of Coatings*
- g. 21 CFR 176; *Indirect Food Additives; Paper and Paper-board Components*
- h. 21 CFR 177; *Indirect Food Additives; Polymers*
- i. 21 CFR 178; *Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers*
- j. 21 CFR 179; *Irradiation in the Production, Processing and Handling of Food*
- k. 21 CFR 180; *Food Additives Permitted in Food or in Contact with Food on an Interim Basis*
- l. 21 CFR 181; *Prior-Sanctioned Food Ingredients*
- m. 21 CFR 182; *Substances Generally Recognized as Safe*

**Volume 4 contains:**

- n. 21 CFR 184; *Direct Food Substances Affirmed as Generally Recognized as Safe*
- o. 21 CFR 186; *Indirect Food Substances Affirmed as Generally Recognized as Safe*
18. 21 CFR 1030.10 (April 1, 2003); *Food and Drugs; Performance Standards for Microwave and Radio Frequency Emitting Products*
19. 40 CFR 152 (July 1, 2003); *Protection of Environment; Pesticide Registration and Classification Procedures*
20. 40 CFR 185 (July 1, 1999); *Protection of Environment; Tolerances for Pesticides in Food*
21. *Food, Drug and Cosmetic Act, Section 201(s)*
22. *Food, Drug and Cosmetic Act, Section 201(t)*
23. *Food, Drug and Cosmetic Act, Section 409*
24. *Food, Drug and Cosmetic Act, Section 706*
25. *Food Establishment Plan Review Guide, Food and Drug Administration and Conference for Food Protection (2000 Edition)*
26. *Pre-operational Guide for Temporary Food Establishments, Food and Drug Administration and Conference for Food Protection (2000 Edition)*
27. *United States Standards, Grades, and Weight classes for Shell Eggs (AMS 56.200 et seq.) (effective April 6, 1995). Copies are available from the United States Department of Agriculture, Agricultural Marketing Service, Poultry Programs, P.O. Box 964, Washington, D.C. 20090-6456*
28. *National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish (1999 Revision). Copies are available from the United States Food and Drug Administration, Center for Food Safety and Applied Nutrition, Shellfish Sanitation Program, HFS-628, 200 "C" Street, S.W., Washington, D.C. 20204*
29. *Food and Drug Administration Center for Drug Evaluation and Research Approved Drug Products with Therapeutic Equivalence Evaluation, 24 Edition*
30. *Hazard Analysis and Critical Control Point Principles and Application Guidelines (August 14, 1997 Edition)*

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31. National Sanitation Foundation (NSF) Protocol P155  
(January 8, 2003 Edition)

## TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH

LSA Document #04-62(F)

### DIGEST

Amends 410 IAC 7-23-1 to update the schedule of civil penalties for retail food production and processing. Effective 30 days after filing with the secretary of state.

#### 410 IAC 7-23-1

SECTION 1. 410 IAC 7-23-1, AS ADDED AT 27 IR 1167, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### Rule 23. Food Establishment: Schedule of Civil Penalties for Violations

#### 410 IAC 7-23-1 Schedule of civil penalties

Authority: IC 16-19-3-4; IC 16-42-5-28  
Affected: IC 4-21.5-3-8; IC 16-42-5

Sec. 1. (a) The Indiana state department of health may commence an action under IC 4-21.5-3-8 to levy civil penalties

against a person who:

- (1) fails to comply with IC 16-42-5, ~~410 IAC 7-20~~, or 410 IAC 7-21, or **410 IAC 7-24**; or
- (2) interferes with or obstructs the Indiana state department of health or its designated agent in the performance of duties pursuant to under IC 16-42-5, ~~410 IAC 7-20~~, or 410 IAC 7-21, or **410 IAC 7-24**.

(b) A civil penalty in an amount in the appropriate range specified in subsection (d), (e), or (f), or any combination thereof, may be sought for each day of each violation.

(c) In determining the seriousness of the violation and the specific amount of the civil penalty to be sought for each violation, the Indiana state department of health will consider, but is not limited to, the following:

- (1) The potential for harm or imminent threat to public health.
- (2) The extent of deviation from statutory or regulatory requirements.
- (3) Degree of willfulness or negligence.
- (4) History of noncompliance.

The absence of direct harm will not result in assessment of a lower penalty for a violation.

(d) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a food establishment, as defined in IC 16-42-5, then they shall be assessed in accordance with the following:

INDIANA CODE (IC) SECTION	PENALTY RANGE
IC 16-42-5-6; IC 16-42-5-11; IC 16-42-5-19; IC 16-42-5-21	\$0 to \$1,000
IC 16-42-5-7; IC 16-42-5-12; IC 16-42-5-13; IC 16-42-5-14; IC 16-42-5-15; IC 16-42-5-17; IC 16-42-5-18; IC 16-42-5-20	\$0 to \$500
IC 16-42-5-8; IC 16-42-5-9; IC 16-42-5-10; IC 16-42-5-16; IC 16-42-5-22	\$0 to \$100

(e) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a retail food establishment, as defined in ~~410 IAC 7-20~~, **410 IAC 7-24**, then they shall be assessed in accordance with the following:

SECTIONS OF <del>410 IAC 7-20</del>	PENALTY RANGE
<del>98; 107; 117; 118; 124; 136; 161; 340; 382; 427</del>	<del>\$0-\$500</del>
<del>94; 97; 114; 119; 120; 121; 122; 123; 125; 126; 127; 128; 129; 130; 132; 135; 137; 138; 140; 141; 158(a); 162; 163; 164; 167; 171; 173; 175; 177; 180; 181; 182(d); 183; 184; 254; 257; 261; 276; 291; 292; 293; 297; 301; 302; 304; 307; 308; 310; 311; 315; 317; 318(1); 335; 337; 402; 407; 408; 409; 410; 411; 412; 413; 414; 415; 416; 417; 418; 420; 428; 429; 430; 431</del>	<del>\$0-\$250</del>
<del>95; 100; 105; 106; 109; 112; 113; 116; 131; 159; 160; 172; 174; 182(a); 182(b); 182(c); 195; 198; 219; 232; 264(a); 265; 275; 294; 329; 383; 406</del>	<del>\$0-\$100</del>

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96; 99; 108; 110; 111; 115; 133; 134; 139; 142; 143; 144; 146; 147; 148; 149; 150; 151; 152; 153; 154; 155; 156; 157; 158(b); 158(c); 165; 166; 168; 169; 170; 178; 179; 185; 186; 187; 188; 189; 190; 191; 192; 193; 194; 196; 197; 199; 200; 201; 202; 203; 204; 205; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 220; 221; 222; 223; 224; 225; 226; 227; 228; 229; 230; 233; 234; 235; 236; 237; 238; 239; 240; 241; 242; 243; 244; 245; 247; 248; 249; 250; 251; 252; 253; 255; 256; 258; 259; 260; 262; 263; 264(b); 264(c); 266; 267; 268; 269; 270; 271; 272; 273; 274; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 295; 296; 298; 299; 300; 303; 305; 306; 309; 312; 313; 314; 316; 318(2); 319; 320; 321; 322; 323; 324; 325; 326; 327; 328; 330; 332; 333; 336; 338; 339; 341; 342; 343; 344; 345; 346; 347; 348; 349; 350; 351; 352; 353; 354; 355; 356; 357; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 368; 369; 370; 371; 372; 373; 374; 375; 376; 377; 378; 379; 380; 381; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 403; 404; 405; 419; 421; 422; 423; 425

\$0-\$50

### SECTIONS OF 410 IAC 7-24

107; 121, 129; 139; 142; 165; 171; 182; 269; 376; 423

PENALTY RANGE

\$0-\$500

108; 109; 110; 111; 114; 117; 120; 137; 141(d); 143; 144; 146; 147; 149; 150; 151; 153; 154; 155; 157; 160; 162; 164; 166; 167; 168; 169; 172; 173; 181(a); 183; 186; 187; 188; 189; 193; 195; 196; 205; 241; 274; 294; 303; 320; 321; 322; 323; 324(a)(1); 325; 329; 334; 336; 337; 339; 343; 344; 350; 357; 375; 377; 415; 437; 438; 439; 440; 441; 442; 443; 444; 445; 446; 447; 448; 450

\$0-\$250

113; 115; 118; 123; 128; 131; 132; 135; 136; 141(a); 141(b); 141(c); 152; 156; 190; 191; 201; 204; 229; 240; 259; 264; 295(a); 296; 297; 326; 368; 424; 435; 436

\$0-\$100

119; 122; 130; 133; 134; 138; 140; 145; 148; 158; 159; 161; 163; 170; 174; 175; 176; 177; 178; 179; 180; 181(b); 181(c); 185; 197; 198; 199; 202; 203; 206; 207; 208; 209; 210; 211; 212; 213; 214; 215; 216; 217; 218; 219; 220; 221; 222; 223; 224; 225; 226; 227; 228; 230; 231; 232; 233; 234; 235; 236; 237; 238; 239; 242; 243; 244; 245; 246; 247; 248; 249; 250; 251; 252; 253; 254; 255; 256; 257; 258; 260; 261; 262; 263; 265; 266; 267; 268; 270; 271; 272; 273; 275; 276; 277; 278; 279; 280; 281; 282; 283; 284; 285; 286; 287; 288; 289; 290; 291; 292; 293; 295(b); 295(c); 298; 301; 302; 304; 305; 306; 307; 308; 309; 310; 311; 312; 313; 314; 315; 316; 317; 318; 324(a)(2); 327; 328; 330; 331; 332; 333; 335; 338; 340; 341; 342; 345; 346; 347; 348; 349; 351; 352; 353; 354; 355; 356; 358; 359; 360; 361; 362; 363; 364; 365; 366; 367; 369; 371; 372; 373; 378; 379; 380; 381; 382; 383; 384; 385; 386; 387; 388; 389; 390; 391; 392; 393; 394; 395; 396; 397; 398; 399; 400; 401; 402; 403; 404; 405; 406; 407; 408; 409; 410; 411; 412; 413; 414; 416; 417; 418; 419; 420; 421; 425; 426; 427; 428; 429; 430; 431; 432; 433; 434; 449; 451

\$0-\$50

(f) Unless adjusted as provided in subsections (g) and (h), and if penalties are to be assessed to a wholesale food establishment, as defined in 410 IAC 7-21, then they shall be assessed in accordance with the following:

### SECTIONS OF 410 IAC 7-21

35; 36(1); 36(2); 36(3); 36(4); 36(5); 39(b)(8); 40; 41; 42(b); 45(c); 45(n); 45(p); 45(q); 45(r); 46; 47(9)(B); 48; 49(d); 49(e); 50(d)

PENALTY RANGE

\$0-\$1,000

36(8); 37; 38; 39(a); 39(b)(1); 39(b)(2); 39(b)(3); 39(b)(4); 39(b)(5); 39(b)(6); 39(b)(7); 42(a); 42(d); 42(e); 44(i); 45(a); 45(b); 45(d); 45(e); 45(f); 45(g); 45(h); 45(i); 45(j); 45(k); 45(l); 45(m); 45(o); 45(s); 47(2); 47(3); 47(4); 47(5); 47(6); 47(7); 47(9)(A); 47(9)(C); 50(c); 50(f); 51(a); 51(c); 51(d)

\$0-\$500

36(6); 36(7); 42(c); 43(b); 43(c); 43(d); 44(c); 44(e); 44(h); 47(1); 47(8); 49(a); 49(b); 49(c); 50(b); 51(b)

\$0-\$250

36(9); 43(a); 43(e); 44(a); 44(b); 44(d); 44(f); 44(g); 45(t); 47(10); 47(11); 47(12); 47(13); 47(14); 47(15)

\$0-\$100

(g) After reinspection and determining the appropriate penalty based on the schedule in subsection (d), (e), or (f), or any combination thereof, the Indiana state department of health, or its authorized representative, may adjust the penalty to reflect a good faith effort to comply as follows:

(2) Penalties for violations documented in two (2) consecutive inspections by the Indiana state department of health, or its authorized representative, shall be assessed on the basis that the violations have remained uncorrected over the period of time between the two (2) inspections.

(1) Each individual penalty will be multiplied by the number of days the particular violation has been documented by the Indiana state department of health, or its authorized representative.

(3) If the person found in violation has requested reinspection and has produced substantive evidence that the violation or violations have been corrected, the penalties shall be assessed

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for the period between initial discovery of violation and the receipt of request for reinspection.

(4) Penalties for all violations documented in an inspection or series of inspections at an establishment will be totaled and sought under one (1) cause of action.

(h) After filing an action pursuant to under IC 4-21.5, and in an attempt to resolve violations of said Indiana Code and this rule without resort to a hearing, the Indiana state department of health may negotiate and enter into agreed orders. An agreed order may suspend all or part of the civil penalty calculated under the requirements and deadlines established in the agreed order. (*Indiana State Department of Health; 410 IAC 7-23-1; filed Dec 4, 2003, 3:05 p.m.: 27 IR 1167; filed Oct 13, 2004, 11:25 a.m.: 28 IR 908*)

*LSA Document #04-62(F)*

*Notice of Intent Published: April 1, 2004; 27 IR 2302*

*Proposed Rule Published: July 1, 2004; 27 IR 3301*

*Hearing Held: July 23, 2004*

*Approved by Attorney General: September 29, 2004*

*Approved by Governor: October 4, 2004*

*Filed with Secretary of State: October 13, 2004, 11:25 a.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

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### TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-231(F)

#### DIGEST

Adds 460 IAC 1-10 to describe the caretaker support program and provide for the coordination and administration of the program. Effective 30 days after filing with the secretary of state.

#### 460 IAC 1-10

SECTION 1. 460 IAC 1-10 IS ADDED TO READ AS FOLLOWS:

##### Rule 10. Caretaker Support Program

#### 460 IAC 1-10-1 Scope and applicability

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

**Sec. 1. (a) This rule sets forth provisions governing the administration and coordination of the caretaker support program.**

**(b) This rule applies to the following:**

- (1) The bureau of aging and in-home services.**
- (2) Area agencies on aging.**

**(3) Service providers under contract with an area agency on aging to provide services under this program.**

**(4) Caretakers and care receivers who receive benefits of this program.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-1; filed Oct 18, 2004, 2:45 p.m.: 28 IR 910)*

#### 460 IAC 1-10-2 Funding source; services provided

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

**Sec. 2. (a) Both federal and state funding may be used for this program. Since federal and state statutes applicable to this program differ, the source of funding may determine the services provided and the people to whom those services may be provided.**

**(b) If state funding is used, caretaker support program services include the following:**

- (1) Information for caretakers about available services.**
- (2) Assistance to caretakers in gaining access to the services.**
- (3) Individual counseling, organization of support groups, and caretaker training to assist caretakers in making decisions and solving problems in the individual's role as caretaker.**
- (4) Respite care to offer caretakers temporary relief from caretaker responsibilities.**

**(c) If federal funding is used, caretaker support program services include each of the services in subsection (b)(1) through (b)(4), plus supplemental services provided on a limited basis to complement the care provided by caretakers.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-2; filed Oct 18, 2004, 2:45 p.m.: 28 IR 910)*

#### 460 IAC 1-10-3 Program administration; administrative functions and responsibilities of BAIHS

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4

Affected: IC 12-10-1; IC 12-10.5-1

**Sec. 3. (a) As funding allows, BAIHS will administer the program under contract with the area agencies on aging.**

**(b) In administration of the program, the functions and responsibilities of BAIHS include the following:**

- (1) The review and approval of annual program plans submitted by area agencies on aging.**
- (2) The allocation to area agencies on aging of funds appropriated for the provision of program services.**
- (3) The establishment and maintenance of policies and procedures for the operation of the program and the provision of services.**
- (4) The development and maintenance of fiscal and service data collection and procedures for collecting information on families and services provided.**

**(5) The monitoring of local programs for compliance with applicable state and federal laws and approved area agency on aging program plans.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-3; filed Oct 18, 2004, 2:45 p.m.: 28 IR 910)*

**460 IAC 1-10-4 Program administration; administrative functions and responsibilities of the area agencies on aging**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4  
 Affected: IC 12-10-1; IC 12-10.5-1

**Sec. 4. (a) As funding allows, each area agency on aging shall administer a program under this rule in its planning and service area.**

**(b) In the administration of the program, the function and responsibilities of the area agency on aging include the following:**

- (1) The development and submission of a program plan under section 5 of this rule.**
- (2) The coordination of service development and delivery under this rule with other appropriate agencies and organizations in the community with special efforts to develop and maintain an effective network of local support for caretakers.**
- (3) The timely collection and submission from area agencies on aging on a quarterly basis to BAIHS that includes information on individuals served, units of service, and expenditures on forms or in the format provided by the BAIHS.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-4; filed Oct 18, 2004, 2:45 p.m.: 28 IR 911)*

**460 IAC 1-10-5 Program plans**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4  
 Affected: IC 12-10-1; IC 12-10.5-1

**Sec. 5. Each area agency on aging shall annually submit a plan, as part of its area plan, which includes the following information:**

- (1) A description of area agency on aging caretaker programs that include strategies for the strengthening or developing of a local network of family caretaker resources. The use of network models that may involve local voluntary groups, faith-based groups, and health care organizations active in the areas of Alzheimer's disease, support groups for family caretakers and grandparents raising grandchildren, and other similar organizations is strongly encouraged.**
- (2) An explanation of how the area agency on aging will assure that, in providing services, priority shall be given to older individuals with greatest social and economic need, with particular attention to low-income older individuals and older individuals providing care and support to persons with mental retardation and related developmental disabilities. The provision of services may**

**be affected as follows:**

**(A) If state funding is used, services will be provided to individuals at least sixty-five (65) years of age who are caretakers or who are taking care of individuals with special needs at least eighteen (18) years of age and unable to perform at least three (3) activities of daily living. For respite services, this applies to individuals that are unable to perform at least two (2) activities of daily living.**

**(B) If federal funding is used, priority will be given to persons at least eighteen (18) years of age who are caretakers of individuals at least sixty (60) years of age who are unable to perform at least two (2) activities of daily living, and older adults, grandparents, or stepgrandparents at least sixty (60) years of age who are caretakers of children eighteen (18) years of age or younger for respite and supplemental services.**

**(3) A description of strategies for carrying out caretaker education so that different kinds of caretaker education needs are effectively met. Caretaker education shall involve to the extent possible the participation of available community resources. These efforts may include support groups if appropriate.**

**(4) A twelve (12) month operating budget on a form provided by BAIHS.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-5; filed Oct 18, 2004, 2:45 p.m.: 28 IR 911)*

**460 IAC 1-10-6 Program compliance**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4  
 Affected: IC 12-10-1; IC 12-10.5-1

**Sec. 6. Failure of an area agency on aging to comply with corrective action requirements resulting from compliance monitoring by BAIHS may lead to sanctions imposed by BAIHS when, after discussion, the area agency on aging and the BAIHS are unable to reach a mutually satisfactory resolution of the noncompliance issue.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-6; filed Oct 18, 2004, 2:45 p.m.: 28 IR 911)*

**460 IAC 1-10-7 Cost share**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10.5-1-4  
 Affected: IC 12-10-1; IC 12-10.5-1

**Sec. 7. The client cost share will be calculated based on an application form that may be provided by BAIHS.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-10-7; filed Oct 18, 2004, 2:45 p.m.: 28 IR 911)*

*LSA Document #03-231(F)*

*Notice of Intent Published: September 1, 2003; 26 IR 3907*

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*Approved by Governor: October 15, 2004*

*Filed with Secretary of State: October 18, 2004, 2:45 p.m.*

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IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher

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### TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #03-245(F)

#### DIGEST

Adds 460 IAC 1.1 concerning home and community based services (HCBS) including qualifications for approved providers of home and community based services; the process by which the division of disability, aging, and rehabilitative services (DDARS)/bureau of aging and in-home services (BAIHS) approves providers; the BAIHS process for monitoring and ensuring compliance with provider standards and requirements; the rights of individuals receiving services; protection of individuals receiving services; standards and requirements for approved providers of home and community based services; and definitions for home and community based services. Effective 30 days after filing with the secretary of state.

#### 460 IAC 1.1

SECTION 1. 460 IAC 1.1 IS ADDED TO READ AS FOLLOWS:

#### ARTICLE 1.1. HOME AND COMMUNITY BASED SERVICES

##### Rule 1. Purpose

#### 460 IAC 1.1-1-1 Purpose

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-10

Sec. 1. The purpose of this article is to establish standards and requirements for the division of disability, aging, and rehabilitative services (DDARS) approved entities and individuals in the provision of home and community based services (HCBS) to aged individuals and individuals with a disability or severe medical condition. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-1-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 912*)

##### Rule 2. Applicability

#### 460 IAC 1.1-2-1 Providers of services

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-10

Sec. 1. This article applies to the approval and monitoring of DDARS approved providers not licensed by the Indiana state department of health in the provision of home and community based services. (*Division of Disability, Aging, and*

*Rehabilitative Services; 460 IAC 1.1-2-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 912*)

#### 460 IAC 1.1-2-2 Conflict with Medicaid/Medicare provisions

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-10

Sec. 2. If any provision of this article is deemed to be in conflict with any federal or state statute, regulation, bulletin, or rule that is specifically applicable to the Medicaid/Medicare program, then such other statute, regulation, bulletin, or rule shall supersede that part of this article in which the conflict is found. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-2-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 912*)

#### Rule 3. Definitions

#### 460 IAC 1.1-3-1 Applicability of definitions

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. The definitions in this rule apply throughout this article. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 912*)

#### 460 IAC 1.1-3-2 "Abuse" defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-10

Sec. 2. "Abuse" includes, but is not limited to, the following:  
(1) Intentional or willful infliction of physical, verbal, or demonstrative harm caused by physical touch, oral or written language, or gestures with disparaging or derogatory implications.

(2) Any unnecessary physical or chemical restraints or isolation not found in the care plan.

(3) Punishment with resulting physical harm or pain.

(4) Sexual molestation, rape, sexual misconduct, sexual coercion, and sexual exploitation.

(5) Any harm caused by:

(A) unreasonable confinement;

(B) intimidation;

(C) humiliation;

(D) harassment;

(E) threats of punishment;

(F) deprivation;

(G) neglect; or

(H) physical or financial exploitation.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 912*)

#### 460 IAC 1.1-3-3 "Adaptive aids and devices" defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-10

Sec. 3. "Adaptive aids and devices" means any controls,

appliances, or supplies necessary to enable the waiver recipient to increase his or her ability to function in a home based setting or community based setting, or both, with as much independence as is possible and physical safety under their approved care plan, and listed on the approved Medicaid state plan list, as it exists and may be modified to keep up with technology. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 912)*

**460 IAC 1.1-3-4 “Adult foster care services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 4. “Adult foster care services” means a living arrangement in which an individual lives in the private home of a principal caregiver who is unrelated to the individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-5 “Adult protective services” or “APS” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-3-1; IC 12-10-10

Sec. 5. “Adult protective services” or “APS” means the program established under IC 12-10-3. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-6 “Advocate” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-10

Sec. 6. (a) “Advocate” means a person who:  
(1) assists an individual with decision making and self-determination; and  
(2) is chosen by the individual or the individual’s legal representative, if applicable.

(b) An advocate is not a legal representative unless legally appointed. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-7 “Ancillary services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 12-10-17-2

Sec. 7. “Ancillary services” has the meaning set forth in 460 IAC 1-8, including, but not limited to, the following:  
(1) Homemaker type services.  
(2) Companion type services.  
(3) Assistance with cognitive tasks.  
*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-7; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-8 “Applicant” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1-3; IC 12-10-1-4  
Affected: IC 12-10-1; IC 12-10-10

Sec. 8. “Applicant” means a natural person or entity who applies to the BAIHS for approval to provide one (1) or more home and community based services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-8; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-9 “Applied behavior analysis services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 9. “Applied behavior analysis services” means therapy services that are highly intensive individualized instruction and behavior intervention to assist an individual in developing skills with social value. Applied behavior analysis therapy is provided:

- (1) over a two (2) to three (3) year period; and
- (2) to individuals between two (2) and seven (7) years of age.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-9; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-10 “Applied behavior therapy analysis support plan” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 10. “Applied behavior therapy analysis support plan” means a plan that addresses the applied behavior analysis support needs of an individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-10; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-11 “BAIHS” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 11. “BAIHS” is the bureau of aging and in-home services created under IC 12-10-10. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-11; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-12 “Basic services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 12-10-17-2

Sec. 12. “Basic services” has the meaning set forth in 460 IAC 1-8, including, but not limited to, the following:

- (1) Assistance with transferring.
- (2) Health-related services.
- (3) Bathing and hygiene.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-12; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913)*

**460 IAC 1.1-3-13 “BDDS” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-11-1.1-1; IC 12-11-2.1

Sec. 13. “BDDS” means the bureau of developmental

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disabilities services as created under IC 12-11-1.1-1. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-13; filed Nov 4, 2004, 3:00 p.m.: 28 IR 913*)

### 460 IAC 1.1-3-14 “BDDS behavior management committee” defined

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-11-1.1-1; IC 12-11-2.1; IC 25-33-1-5.1

Sec. 14. “BDDS behavior management committee” means a group of persons appointed by the director to review the applications of individuals seeking to be approved as level 2 clinicians under 460 IAC 1.1-5-6(c)(1). The committee shall consist of:

- (1) at least two (2) division employees, including a BAIHS staff if related to a medical model waiver; and
- (2) a licensed psychologist under IC 25-33 who has an endorsement as a health services provider in psychology under IC 25-33-1-5.1 and is not an employee of the division.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-14; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

### 460 IAC 1.1-3-15 “Behavioral support plan” defined

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 15. “Behavioral support plan” means a plan that addresses the behavioral support needs of an individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-15; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

### 460 IAC 1.1-3-16 “Behavioral support services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 16. “Behavioral support services” means training, supervision, or assistance in the following:

- (1) Appropriate expression of emotions and desires.
- (2) Compliance.
- (3) Assertiveness.
- (4) Acquisition of socially appropriate behaviors.
- (5) The reduction of inappropriate behaviors.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-16; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

### 460 IAC 1.1-3-17 “Care plan” or “plan of care” defined

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 17. “Care plan” or “plan of care” means a plan that is written by the case manager, from the comprehensive assessment defined in section 22 of this rule, to establish supports and strategies intended to accomplish the individual’s long term and short term goals by accommodating the financial and human resources offered, as well as behavioral-related assistance to the individual through paid provider services or volunteer services, or both, as designed

and agreed upon by the individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-17; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

### 460 IAC 1.1-3-18 “Case management services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1  
Affected: IC 12-10-1; IC 12-10-10

Sec. 18. “Case management services” means services found in 460 IAC 1.1-19 that enable an individual to receive a full range of appropriate services in a planned, coordinated, efficient, and effective manner, including, but not limited to, an appropriate, complete, accurate, and comprehensive assessment. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-18; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

### 460 IAC 1.1-3-19 “Child protection services” or “CPS” defined

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-7-2-31.5; IC 12-10-1; IC 12-10-10; IC 31-33

Sec. 19. “Child protection services” or “CPS” refers to child protection services established under IC 31-33. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-19; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

### 460 IAC 1.1-3-20 “Community habilitation and participation services” defined

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 20. “Community habilitation and participation services” means services outside of an individual’s home that support learning and assistance in any of the following areas:

- (1) Self-care.
- (2) Sensory-motor development.
- (3) Socialization.
- (4) Daily living skills.
- (5) Communication.
- (6) Community living.
- (7) Social skills.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-20; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

### 460 IAC 1.1-3-21 “Community transition supports” defined

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 21. “Community transition supports” means supports that are one-time setup expenses for an individual who is transitioning from an institution to supported living setting in the community. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-21; filed Nov 4, 2004, 3:00 p.m.: 28 IR 914*)

**460 IAC 1.1-3-22 “Comprehensive assessment” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 22. “Comprehensive assessment” means a process that will provide a complete and accurate assessment done by the case manager for the appropriate services, which includes the individual and anyone the individual chooses to participate and referred to as the individual support team. This process includes, but is not limited to, the following:

- (1) The eligibility screen.
- (2) Medical information.
- (3) Health care practitioner notes.
- (4) Nurses’ notes.
- (5) The individual’s preferences, goals, and needs.

These along with other related information will help drive the case manager developed plan of care for the individual established under section 17 of this rule. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-22; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-23 “Direct care staff” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 23. “Direct care staff” means a person, or an agent or employee of a provider entity, who provides regular hands-on services to an individual while providing any of the following services including, but not limited to:

- (1) Adult day services.
- (2) Adult foster care services.
- (3) Community habilitation and participation services.
- (4) Respite care services.
- (5) Supported employment services.
- (6) Transportation services.
- (7) Homemaker.
- (8) Attendant care.
- (9) Any other service listed under 460 IAC 1.1-4-1 or any added in the future.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-23; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-24 “Division” or “DDARS” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-9-1-1; IC 12-10-1; IC 12-10-10

Sec. 24. “Division” or “DDARS” means the division of disability, aging, and rehabilitative services created under IC 12-9-1-1. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-24; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-25 “Elopement” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 25. “Elopement” means that an individual leaves, without the knowledge, authorization, or consent of the appropriate provider, the level of supervision identified as appropriate for the individual in the individual’s care plan.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-25; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-26 “Endangered adult” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-3-2; IC 12-10-10

Sec. 26. “Endangered adult” has the meaning set forth in IC 12-10-3-2. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-26; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-27 “Entity” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 27. “Entity” means any of the following:

- (1) An association.
- (2) A corporation.
- (3) A limited liability company.
- (4) A governmental entity.
- (5) A partnership.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-27; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-28 “Environmental modification supports” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 28. “Environmental modification supports” means a physical adaptation to an individual’s home to:

- (1) ensure the health, welfare, and safety of the individual; or
- (2) enable the individual to function with greater independence in the individual’s home;

without which the individual would require institutionalization. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-28; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-29 “Exploitation” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10; IC 35-46-1-12

Sec. 29. “Exploitation” means:

- (1) unauthorized use of the personal services, the property, or the identity of an individual; or
- (2) any other type of criminal exploitation, including exploitation under IC 35-46-1-12;

for one’s own profit or advantage or for the profit or advantage of another. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-29; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-30 “Facility based sheltered employment services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9  
 Affected: IC 12-10-1; IC 12-10-10; IC 12-11.1; IC 12-11-2.1

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**Sec. 30. “Facility based sheltered employment services” means an applicant as follows that shall:**

- (1) Be an entity.
- (2) Be accredited by one (1) of the following organizations:
  - (A) The commission on accreditation of rehabilitation facilities (CARF) or its successor.
  - (B) The council on quality and leadership in supports for people with disabilities or its successor.
  - (C) The joint commission on accreditation of healthcare organizations (JCAHO) or its successor.
  - (D) An independent national accreditation organization approved by the secretary.
- (3) Be a not-for-profit entity.
- (4) Have sheltered workshop certification from the wage and hour division of the department of labor.
- (5) Certify that, if approved, the entity will provide community based sheltered employment services using only persons who meet the qualifications set out in 460 IAC 1.1-14-5.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-30; filed Nov 4, 2004, 3:00 p.m.: 28 IR 915)*

**460 IAC 1.1-3-31 “Family and caregiver training services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 31. “Family and caregiver training services” means the following:**

- (1) Training and education to instruct a parent, family member, or primary caregiver in the treatment regimens and use of equipment specified in an individual’s care plan.
- (2) Training to improve the ability of the parent, family member, or primary caregiver to provide care to or for the individual.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-31; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-32 “Health care coordination services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 32. “Health care coordination services” means medical coordination services to manage the health care needs of an individual.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-32; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-33 “Home health agency” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 16-27

**Sec. 33. “Home health agency” means an agency licensed under IC 16-27.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-33; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-34 “Hospital” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 16-21-2

**Sec. 34. “Hospital” means a hospital licensed under IC 16-21-2.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-34; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-35 “Individual” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-10  
Affected: IC 12-10-1

**Sec. 35. “Individual” means an individual who has been determined eligible for services by a BAIHS waiver specialist or BAIHS designee under 42 CFR 441.302.** If the term is used in the context indicating that the individual is to receive information, the term also includes the individual’s legal representative. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-35; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-36 “Individual support team” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-1  
Affected: IC 12-10-10-1

**Sec. 36. “Individual support team” means the individual, any provider of service, the case manager, and anyone the individual chooses to participate in the comprehensive assessment process referred to in section 22 of this rule.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-36; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-37 “Legal representative” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 12-10-13-3.3

**Sec. 37. “Legal representative” has the meaning set forth in IC 12-10-13-3.3.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-37; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-38 “Neglect” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 35-46-1-4

**Sec. 38. “Neglect” means failure to provide:**

- (1) supervision;
- (2) training;
- (3) appropriate care;
- (4) food;
- (5) medical care; or
- (6) medical supervision;

**to an individual.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-38; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916)*

**460 IAC 1.1-3-39 “Nutritional counseling services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 39. “Nutritional counseling services” means services provided under this article by a licensed dietician or a health care practitioner under the scope of his or her duties.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-39; filed Nov 4, 2004, 3:00 p.m.: 28 IR 916*)

**460 IAC 1.1-3-40 “Occupational therapy services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 40. “Occupational therapy services” means services provided under this article by a certified occupational therapist or certified occupational therapy assistant.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-40; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-41 “Personal emergency response system supports” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 41. “Personal emergency response system supports” means an electronic communication device that allows an individual to communicate the need for immediate assistance in case of an emergency.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-41; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-42 “Physical therapy services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 42. “Physical therapy services” means services provided under this article by a licensed physical therapist or licensed physical therapist assistant.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-42; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-43 “Prevocational services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 43. “Prevocational services” means services aimed at preparing an individual for paid or unpaid employment by teaching such concepts as:**

- (1) compliance;
- (2) attendance;
- (3) task completion;
- (4) problem solving; and
- (5) safety.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-43; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-44 “Provider” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 44. “Provider” means a person or entity approved by**

**the DDARS or its designee to provide the individual with agreed upon services.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-44; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-45 “Psychological therapy services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 25-33-1-5.1

**Sec. 45. “Psychological therapy services” means services provided under this article by a licensed psychologist with an endorsement as:**

- (1) a health service provider in psychology under IC 25-33-1-5.1(c);
- (2) a clinical nurse specialist;
- (3) an applied health specialist in psychology;
- (4) a licensed marriage and family therapist;
- (5) a licensed clinical social worker; or
- (6) a licensed mental health counselor.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-45; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-46 “Recreational therapy services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 46. “Recreational therapy services” means services provided under this article and consisting of a medically-approved recreational program to restore, remediate, or rehabilitate an individual in order to do the following:**

- (1) Improve the individual’s functioning and independence.
- (2) Reduce or eliminate the effects of an individual’s disability.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-46; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-47 “Reportable unusual occurrence” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 47. “Reportable unusual occurrence” refers to unusual occurrences described in 460 IAC 1.1-9-5.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-47; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-48 “Respite care services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 48. “Respite care services” means services provided to individuals unable to care for themselves that are furnished on a temporary, intermittent, short term basis because of the absence or need for relief of an unpaid caregiver.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-48; filed Nov 4, 2004, 3:00 p.m.: 28 IR 917*)

**460 IAC 1.1-3-49 “Secretary” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-8-1-2; IC 12-10-1; IC 12-10-10

**Sec. 49. “Secretary” means the secretary of family and social services appointed under IC 12-8-1-2.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-49; filed Nov 4, 2004, 3:00 p.m.: 28 IR 918*)

**460 IAC 1.1-3-50 “Specialized medical equipment and supplies supports” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 50. (a) “Specialized medical equipment and supplies supports” means devices, controls, or appliances that:**

(1) enable an individual to increase the individual’s abilities to:

- (A) perform activities of daily living; or
  - (B) perceive or control the environment; or
- (2) enhance an individual’s ability to communicate.

(b) The term includes the following:

- (1) Communication devices.
- (2) Interpreter services.
- (3) Items necessary for life support.
- (4) Ancillary supplies and equipment necessary for the proper functioning of such items.
- (5) Durable and nondurable medical equipment.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-50; filed Nov 4, 2004, 3:00 p.m.: 28 IR 918*)

**460 IAC 1.1-3-51 “Speech and language therapy services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 51. “Speech and language therapy services” means services provided by a licensed speech therapist under this article.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-51; filed Nov 4, 2004, 3:00 p.m.: 28 IR 918*)

**460 IAC 1.1-3-52 “Supported employment services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 52. “Supported employment services” means services that support and enable an individual to secure and maintain paid employment if the individual is paid at or above the federal minimum wage.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-52; filed Nov 4, 2004, 3:00 p.m.: 28 IR 918*)

**460 IAC 1.1-3-53 “Transportation services” defined**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 53. “Transportation services” means services for the**

**transportation of an individual in a vehicle by a provider approved under this article to provide transportation services.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-3-53; filed Nov 4, 2004, 3:00 p.m.: 28 IR 918*)

**Rule 4. Types of Home and Community Based Services**

**460 IAC 1.1-4-1 Types of home and community based services**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 16-27-1-0.5; IC 25-23-1-1.2

**Sec. 1. (a) Home and community based services include, but are not limited to, the following:**

(1) Adaptive aids and devices, which are controls, appliances, or supplies determined necessary to enable the recipient to increase his or her ability to function in a home and community based setting with independence and physical safety. These services are necessary to prevent or delay institutionalization as defined in the plan of care.

(2) Adult day services, which are community based group programs designed to meet the needs of adults with impairments through individual plans of care. These structured, comprehensive, and nonresidential programs provide the following:

- (A) Health, social, recreational, and therapeutic activities.
- (B) Supervision.
- (C) Support services.
- (D) Personal care.

A minimum of three (3) hours to a maximum of twelve (12) hours shall be allowable. The three (3) levels of adult day services are basic, enhanced, and intensive.

(3) Attendant care services, which primarily involve providing hands-on assistance consistent with the Medicaid waiver program and IC 16-27-1-0.5. For purposes of this section, “hands-on” means the provision of physical assistance with services to an impaired individual, which the individual could perform if not impaired, to enable the individual to stay at home in the community instead of in an institution.

(4) Behavior management/behavior program and counseling, which includes training, supervision, or assistance in the following:

- (A) Appropriate expression of emotions and desires.
- (B) Compliance.
- (C) Assertiveness.
- (D) Acquisition of socially appropriate behaviors.
- (E) The reduction of inappropriate behaviors.

(5) Case management, which is a comprehensive service comprised of a variety of specific tasks and activities designed to coordinate and integrate all other services required in the individual’s care plan. Case management is required in conjunction with the provision of any home and community based service.

(6) Community transition services, which include reasonable, one-time setup expenses for individuals who make the transition from an institution to their own home in the community and will not be reimbursable on any subsequent move.

(7) Congregate care, which consists of services that are designed to ensure the health, safety, and welfare of an individual in order for the individual to live successfully in his or her home. Personalized congregate care is provided to the individual who resides in his or her own living unit or apartment, which is part of a subsidized housing community. The frequency, duration, and scope of these services are identified in the individual's plan of care.

(8) Day habilitation services, which shall focus on enabling the individual to attain or maintain his or her maximum functional level and shall be coordinated with any physical, occupational, or speech therapies listed in the plan of care. In addition, day habilitation service may serve to reinforce skills or lessons taught in school, therapy, or other settings. Services shall normally be furnished four (4) or more hours per day on a regularly scheduled basis for one (1) or more days per week unless provided as an adjunct to other day activities included in an individual's plan of care.

(9) Environmental accessibility adaptations/environmental modifications, which are those physical adaptations to the home required by the individual's plan of care, that:

- (A) are necessary to ensure the health, welfare, and safety of the individual; or
- (B) enable the individual to function with greater independence in the home and without which the individual would require institutionalization.

(10) Health care coordination, which includes medical coordination provided by a registered nurse (RN) or licensed practical nurse (LPN) under IC 25-23-1-1.2.

(11) Home-delivered meal, which is an appropriate and nutritionally balanced meal that meets one-third (1/3) of the current recommended dietary allowance (RDA) delivered to:

- (A) the home of an older adult or person with disabilities; or
- (B) a congregate meal site.

(12) Homemaker services, which offer direct and practical assistance consisting of household tasks and related activities. Homemaker services assist the individual to remain in a clean, safe, and healthy home environment. Homemaker services are provided when the recipient is unable to meet these needs or when an informal caregiver is unable to meet these needs for the recipient.

(13) Minor home modifications, which are selected internal and external modifications to the home environment, related specifically to the individual's functional limitations, that will assist the individual in remaining in the current living situation. Those physical adaptations to the home, required by the individual's plan of care, that:

- (A) are necessary to ensure the health, welfare, and safety of the individual; or
- (B) enable the individual to function with greater independence in the home and without which the individual would require institutionalization.

(14) Nutritional (dietary) supplements, which include liquid supplements, such as "Boost" or "Ensure", to maintain an individual's health in order to remain in the community. Supplements should be ordered by a health care practitioner based on one (1) or a combination of the specific life-stage, gender, or lifestyle.

(15) Occupational therapy services, which are services provided under this article by a licensed occupational therapist or licensed occupational therapy assistant.

(16) Personal emergency response system, or PERS, which is a device that enables certain individuals at high risk of institutionalization to secure help in an emergency. The device should be tested on a regular basis to ensure proper working order. The individual may also wear a portable "help" button to allow for mobility. The system is connected to the person's phone and programmed to signal a response center once a "help" button is activated. The response center is staffed by trained professionals, as specified in Appendix B-2 of the Medicaid waiver manual. PERS services are limited to those individuals who live alone, or who are alone for significant parts of the day, and have no regular caregiver for extended periods of time and who would otherwise require extensive routine supervision.

(17) Pest control services, which are designed to prevent, suppress, or eradicate anything that:

- (A) competes with humans for food and water;
- (B) injures humans;
- (C) spreads disease to humans; or
- (D) annoys humans;

and is causing or is expected to cause more harm than is reasonable to accept.

(18) Physical therapy services, which are services provided under this article by a licensed physical therapist or a licensed physical therapy assistant.

(19) Residential habilitation, which is assistance with acquisition, retention, or improvement in skills related to activities of daily living, such as:

- (A) personal grooming and cleanliness;
- (B) bed making and household chores;
- (C) eating and the preparation of food; and
- (D) the social and adaptive skills;

necessary to enable the individual to reside in a noninstitutional setting.

(20) Respite care services, which are those services provided in the absence of the usual unpaid caregiver, provided in accordance with the plan of care.

(21) Specialized medical equipment and supplies, to include devices, controls, or appliances, specified in the plan of care, that enable individuals to increase their abilities to perform activities of daily living or to perceive,

control, or communicate with the environment in which they live. This service also includes items necessary for life support, ancillary supplies, and equipment necessary to the proper functioning of such items and durable and nondurable medical equipment not available under the Medicaid state plan. Items reimbursed with waiver funds shall be in addition to any medical equipment and supplies furnished under the state plan and shall exclude those items that are not of direct medical or remedial benefit to the individual.

(22) Speech, hearing, and language services, which are self-explanatory.

(23) Supported employment services, which consist of paid employment for persons for whom competitive employment at or above the minimum wage is unlikely and who, because of their disabilities, need intensive ongoing support to perform in a work setting.

(24) Transportation, which involves transporting the individual to and from community services, activities, and resources specified by the plan of care. This service is offered in addition to medical transportation required under 42 CFR 431.53 and transportation services under the state plan, defined at 42 CFR 440.170(a) (if applicable), and shall not replace them. Whenever possible, family, neighbors, friends, or community agencies that can provide this service without charge will be utilized.

(b) Descriptions of these services are expanded in the Medicaid waiver manual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-4-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 918*)

### Rule 5. Provider Qualifications

#### 460 IAC 1.1-5-1 Applicability

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 1. This rule applies to all home and community based services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 920*)

#### 460 IAC 1.1-5-2 Adult day services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 2. To be approved to provide adult day services, an applicant shall be an entity approved by DDARS. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 920*)

#### 460 IAC 1.1-5-3 Adult foster care services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 3. To be approved to provide adult foster care

services, an applicant shall:

- (1) be an entity approved by DDARS; and
- (2) certify that, if approved, the entity will provide adult foster care services using only persons who meet the qualifications set out in 460 IAC 1.1-14-5.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 920*)

#### 460 IAC 1.1-5-4 Applied behavior analysis services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10; IC 25-22.5; IC 25-33-1-5.1

Sec. 4. (a) To be approved to provide applied behavior analysis services as a lead therapist, an applicant shall either be a licensed psychiatrist under IC 25-22.5 or:

- (1) be a licensed psychologist under IC 25-33 and have an endorsement as a health service provider in psychology under IC 25-33-1-5.1; and
- (2) have:

- (A) completed at least one thousand five hundred (1,500) hours of training or supervised experience in the application of applied behavior analysis or an equivalent behavior modification theory for children with a pervasive developmental disorder; and
- (B) at least two (2) years of experience as an independent practitioner and as a supervisor of less experienced clinicians.

(b) To be approved to provide applied behavior analysis services as a senior therapist, an applicant shall either:

- (1) be a psychotherapist; or
- (2) have:

- (A) completed at least three thousand (3,000) hours of training or supervised experience in the application of applied behavior analysis or an equivalent behavior modification theory for children with a pervasive developmental disorder; and
- (B) at least four hundred (400) hours of training or supervised experience in the use of applied behavior analysis or an equivalent behavior modification program for children with:
  - (i) an autistic disorder;
  - (ii) Asperger's disorder; or
  - (iii) a pervasive developmental disorder;which may be included in the three thousand (3,000) hour training requirement in clause (A).

(c) To maintain approval as a senior therapist, a senior therapist shall obtain annually at least ten (10) continuing education hours related to applied behavior analysis:

- (1) from a category I sponsor as provided in 868 IAC 1.1-15; or
- (2) as provided by the DDARS/BDDS applied behavior analysis support curriculum list.

(d) For an entity to be approved to provide applied

behavior analysis services, the entity shall certify that, if approved, the entity shall provide:

- (1) lead therapist services;
- (2) senior therapist services; or
- (3) line staff services;

using only persons who meet the qualifications set out in this section. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 920*)

**460 IAC 1.1-5-5 Attendant care provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 16-27-1

Sec. 5. To be approved to provide attendant care, an applicant shall be approved by DDARS or its designee to provide home and community based services under this article, including, but not limited to, providers that are:

- (1) licensed, home health care agencies under IC 16-27-1;
- (2) Medicaid waiver personal attendant care providers;
- (3) family members (other than the spouse or the parent or parents of the minor child);
- (4) licensed or certified health care professionals; or
- (5) approved individual practitioners.

(*Division of Disability, Aging, and Rehabilitative Services: 460 IAC 1.1-5-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 921*)

**460 IAC 1.1-5-6 Behavioral support services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 25-23.6; IC 25-33-1-5.1

Sec. 6. (a) Until January 1, 2005, to be approved to provide behavioral support services as a level 1 clinician, an applicant shall meet one (1) of the following requirements as found in the definition section for the waiver:

- (1) Be a licensed psychologist under IC 25-33 and have an endorsement as a health service provider in psychology under IC 25-33-1-5.1(c).
- (2) Have:
  - (A) at least a master's degree in:
    - (i) a behavioral science;
    - (ii) special education; or
    - (iii) social work; and
  - (B) evidence of five (5) years of experience in:
    - (i) working directly with individuals who require behavioral supports, including the devising, implementing, and monitoring of behavioral support plans; and
    - (ii) the supervision and training of others in the implementation of behavioral support plans.

(b) Effective January 1, 2005, to be approved to provide behavioral support services as a licensed level 1 clinician, an applicant shall:

- (1) be a licensed psychologist under IC 25-33; and
- (2) have an endorsement as a health service provider in

psychology under IC 25-33-1-5.1(c).

(c) To be approved to provide behavioral support services as a level 2 clinician, an applicant shall meet the following requirements:

- (1) Either:
  - (A) have a master's degree in:
    - (i) clinical psychology, counseling psychology, school psychology, or another applied health service of psychology;
    - (ii) special education;
    - (iii) social work; or
    - (iv) counseling;
  - (B) be a licensed marriage and family therapist licensed under IC 25-23.6;
  - (C) be a licensed clinical social worker under IC 25-23.6;
  - (D) be a licensed mental health counselor under IC 25-23.6;
  - (E) have a master's degree in a human services field and be able to demonstrate to the BDDS behavior management committee that the individual has either course work in or five (5) years of experience in devising, implementing, and monitoring behavior support plans; or
  - (F) meet all of the following requirements:
    - (i) Have a bachelor's degree.
    - (ii) Be employed as a behavioral consultant on or before September 30, 2001, by a provider of behavioral support services approved under this article.
    - (iii) Be working on a master's degree in psychology, special education, or social work.
    - (iv) By December 31, 2006, complete a master's degree in psychology, special education, or social work.
- (2) Be supervised by a level 1 clinician.

(d) To maintain approval as a behavioral support services provider, a behavioral support services provider shall:

- (1) obtain annually at least ten (10) continuing education hours related to the practice of behavioral support:
  - (A) from a category I sponsor as provided in 868 IAC 1.1-15; or
  - (B) as provided by the behavioral support curriculum list; or
- (2) be enrolled in:
  - (A) a master's level program in psychology, special education, or social work; or
  - (B) a doctoral program in psychology.

(e) For an entity to be approved to provide behavioral support services, the entity shall certify that, if approved, the entity shall provide level 1 clinician behavioral support services or level 2 clinician behavioral support services using only persons who meet the qualifications set out in this section.

(f) The provisions in subsection (c)(1)(B) expire on

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December 31, 2006. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 921*)

### 460 IAC 1.1-5-7 Case management services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 25-23-1

Sec. 7. (a) To provide case management services, an applicant shall be approved by DDARS or its designee.

(b) Minimum qualifications to be approved include:

- (1) a bachelor's degree in:
  - (A) social work;
  - (B) psychology;
  - (C) sociology;
  - (D) counseling;
  - (E) gerontology;
  - (F) nursing;
- (2) a registered nurse with one (1) year experience in human services;
- (3) a bachelor's degree in any field with a minimum of two (2) years full-time, direct experience; or
- (4) a master's degree in a related field may substitute for the required experience.

(c) Under the medically fragile children's waiver, the provision of case management services requires either:

- (1) a licensed practical nurse; or
- (2) a registered nurse.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-7; filed Nov 4, 2004, 3:00 p.m.: 28 IR 922*)

### 460 IAC 1.1-5-8 Community based sheltered employment services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 8. To be approved to provide community based sheltered employment services, an applicant shall meet the following requirements:

- (1) Be an entity.
- (2) Be accredited by one (1) of the following organizations:
  - (A) The commission on accreditation of rehabilitation facilities (CARF) or its successor.
  - (B) The council on quality and leadership in supports for people with disabilities or its successor.
  - (C) The joint commission on accreditation of healthcare organizations (JCAHO) or its successor.
  - (D) An independent national accreditation organization approved by the secretary.
- (3) Be a not-for-profit entity.
- (4) Certify that, if approved, the entity will provide community based sheltered employment services using

only persons who meet the qualifications set out in 460 IAC 1.1-14-5.

(5) Not be a community health center.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-8; filed Nov 4, 2004, 3:00 p.m.: 28 IR 922*)

### 460 IAC 1.1-5-9 Community habilitation and participation services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 9. (a) To be approved to provide community habilitation and participation services, an applicant shall meet the requirements for direct care staff set out in 460 IAC 1.1-14-5.

(b) For an entity to provide community habilitation and participation services, the entity shall be approved by DDARS or its designee. If approved, the entity will provide community habilitation and support services using only persons who meet the qualifications set out in 460 IAC 1.1-14-5. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-9; filed Nov 4, 2004, 3:00 p.m.: 28 IR 922*)

### 460 IAC 1.1-5-10 Crisis assistance services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 10. To be approved to provide crisis assistance services, an applicant shall be approved to provide behavioral support services by DDARS or its designee. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-10; filed Nov 4, 2004, 3:00 p.m.: 28 IR 922*)

### 460 IAC 1.1-5-11 Environmental modification supports provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 11. To provide environmental modification supports, an applicant shall:

- (1) be approved by DDARS or its designee;
- (2) be licensed, certified, registered, or otherwise properly qualified under federal, state, or local laws applicable to the particular service that the applicant desires to perform; and
- (3) certify that, if approved, the applicant will perform the services in compliance with federal, state, or local laws applicable to the type of modification being made.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-11; filed Nov 4, 2004, 3:00 p.m.: 28 IR 922*)

### 460 IAC 1.1-5-12 Facility based sheltered employment services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 12. To be approved to provide facility based sheltered

employment services, an applicant shall meet the following requirements:

- (1) Be an entity.
- (2) Be accredited by one (1) of the following organizations:
  - (A) The commission on accreditation of rehabilitation facilities (CARF) or its successor.
  - (B) The council on quality and leadership in supports for people with disabilities or its successor.
  - (C) The joint commission on accreditation of healthcare organizations (JCAHO) or its successor.
  - (D) An independent national accreditation organization approved by the secretary.
- (3) Be a not-for-profit entity.
- (4) Have sheltered workshop certification from the wage and hour division of the department of labor.
- (5) Certify that, if approved, the entity will provide community based sheltered employment services using only persons who meet the qualifications set out in 460 IAC 1.1-14-5.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-12; filed Nov 4, 2004, 3:00 p.m.: 28 IR 922)*

**460 IAC 1.1-5-13 Family and caregiver training services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 13.** To provide family and caregiver training services, an applicant shall be approved by DDARS or its designee. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-13; filed Nov 4, 2004, 3:00 p.m.: 28 IR 923)*

**460 IAC 1.1-5-14 Health care coordination services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 25-23-1-1.2

**Sec. 14. (a)** To be approved to provide health care coordination services, an applicant shall be either a registered nurse or a licensed practical nurse under IC 25-23-1-1.2.

**(b)** For an entity to be approved to provide health care coordination services, the entity shall certify that, if approved, the entity will provide health care coordination services using only persons who meet the qualifications set out in this section. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-14; filed Nov 4, 2004, 3:00 p.m.: 28 IR 923)*

**460 IAC 1.1-5-15 Homemaker provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 15.** To be approved to provide homemaker services, an applicant shall be otherwise approved by DDARS or its designee to provide home and community based services under section 5 of this rule. *(Division of Disability, Aging, and*

*Rehabilitative Services; 460 IAC 1.1-5-15; filed Nov 4, 2004, 3:00 p.m.: 28 IR 923)*

**460 IAC 1.1-5-16 Nutritional counseling services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 25-14-5

**Sec. 16. (a)** To be approved to provide nutritional counseling services, an applicant shall be:

- (1) a dietitian certified under IC 25-14.5; or
- (2) a licensed health care practitioner under the scope of their duties.

**(b)** For an entity to be approved to provide nutritional counseling services, the entity shall certify that, if approved, the entity will provide nutritional counseling services using only persons who meet the qualifications set out in this section. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-16; filed Nov 4, 2004, 3:00 p.m.: 28 IR 923)*

**460 IAC 1.1-5-17 Occupational therapy services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 25-23.5-1-5.5; IC 25-23.5-1-6; IC 25-23.5-5

**Sec. 17. (a)** To be approved to provide occupational therapy services as an occupational therapist, an applicant shall be an occupational therapist certified under IC 25-23.5.

**(b)** To be approved to provide occupational therapy services as an occupational therapy assistant, an applicant shall be certified and comply with IC 25-23.5-1-6.

**(c)** To be approved to provide occupational therapy services as an occupational therapy aide, an applicant shall meet the requirements of IC 25-23.5-1-5.5 and 844 IAC 10-6.

**(d)** For an entity to be approved to provide occupational therapy services, the entity shall certify that, if approved, the entity will provide occupational therapy services using only persons who meet the qualifications set out in this section. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-17; filed Nov 4, 2004, 3:00 p.m.: 28 IR 923)*

**460 IAC 1.1-5-18 Personal emergency response system supports provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 18.** To be approved to provide personal emergency response system supports, an applicant shall:

- (1) be licensed, certified, registered, or otherwise properly qualified under federal, state, or local laws applicable to

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the particular service that the applicant desires to perform; and

(2) certify that, if approved, the applicant will perform the services in compliance with federal, state, or local laws applicable to a personal emergency response system.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-18; filed Nov 4, 2004, 3:00 p.m.: 28 IR 923)*

### 460 IAC 1.1-5-19 Physical therapy services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10; IC 25-27-1

Sec. 19. (a) To be approved to provide physical therapy services as a physical therapist, an applicant shall be a physical therapist licensed under IC 25-27-1.

(b) To be approved to provide physical therapy services as a physical therapist assistant, an applicant shall be certified and follow all regulations and guidelines under IC 25-27-1.

(c) For an entity to be approved to provide physical therapy services, the entity shall certify that, if approved, the entity will provide physical therapy services using only persons who meet the qualifications set out in this section. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-19; filed Nov 4, 2004, 3:00 p.m.: 28 IR 924)*

### 460 IAC 1.1-5-20 Prevocational services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 20. (a) To be approved to provide prevocational services, an applicant shall meet the requirements for direct care staff set out in 460 IAC 1.1-14-5.

(b) For an entity to be approved to provide prevocational services, the entity shall certify that, if approved, the entity will provide prevocational services using only persons who meet the qualification set out in 460 IAC 1.1-14-5. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-20; filed Nov 4, 2004, 3:00 p.m.: 28 IR 924)*

### 460 IAC 1.1-5-21 Psychological therapy services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10; IC 25-23.6; IC 25-33-1-5.1

Sec. 21. (a) To be approved to provide psychological therapy services, an applicant shall be one (1) of the following:

(1) A psychologist licensed under IC 25-33-1 and have an endorsement as a health service provider in psychology under IC 25-33-1-5.1.

(2) A marriage and family therapist licensed under IC 25-23.6-8.

(3) A clinical social worker licensed under IC 25-23.6-5.

(4) A mental health counselor licensed under IC 25-23.6-8.5.

(b) For an entity to be approved to provide psychological therapy services, the entity shall certify that, if approved, the entity will provide psychological therapy services using only persons who meet the qualifications set out in this section. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-21; filed Nov 4, 2004, 3:00 p.m.: 28 IR 924)*

### 460 IAC 1.1-5-22 Recreational therapy services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 22. (a) To be approved to provide recreational therapy services, an applicant shall be certified by the national council for therapeutic recreation certification.

(b) To be approved to provide recreational therapy services, an entity shall certify that, if approved, the entity will provide recreational therapy services using only persons who meet the qualifications set out in this section. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-22; filed Nov 4, 2004, 3:00 p.m.: 28 IR 924)*

### 460 IAC 1.1-5-23 Respite care services provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 23. (a) To be approved to provide respite care services, an applicant shall meet the requirements for direct care staff set out in 460 IAC 1.1-14-5 and an applicant shall be otherwise approved by DDARS or its designee to provide home and community based services under section 5 of this rule.

(b) For an entity to be approved to provide respite care services, the entity shall meet both of the following requirements:

(1) Be one (1) of the following types of entities:

(A) A licensed home health agency.

(B) An approved DDARS provider.

(C) An approved entity providing residential services to unrelated individuals.

(D) A licensed nursing facility.

(2) Certify that, if approved, the entity will provide respite care services using only persons who meet the direct care staff qualifications set out in 460 IAC 1.1-14-5.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-23; filed Nov 4, 2004, 3:00 p.m.: 28 IR 924)*

### 460 IAC 1.1-5-24 Specialized medical equipment and supplies supports provider qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 24. To be approved to provide specialized medical

equipment and supplies supports, an applicant shall:

- (1) be licensed, certified, registered, or otherwise properly qualified under federal, state, or local laws applicable to the particular service that the applicant desires to perform; and
- (2) certify that, if approved, the applicant will perform the services in compliance with federal, state, or local laws applicable to the type of equipment and supplies being provided.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-24; filed Nov 4, 2004, 3:00 p.m.: 28 IR 924)*

**460 IAC 1.1-5-25 Speech-language therapy services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 25-35.6-1-2

**Sec. 25. (a)** To be approved to provide speech-language therapy services as a speech-language pathologist, an applicant shall be a speech-language pathologist licensed under IC 25-35.6.

**(b)** To be approved to provide speech-language therapy services as a speech-language pathology aide, an applicant shall meet and follow the definition in IC 25-35.6-1-2(g) and be registered under 880 IAC 1-2.1.

**(c)** For an entity to be approved to provide speech-language therapy services, the entity shall certify that, if approved, the entity will provide speech-language therapy services using only persons who meet the qualifications set out in this section. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-25; filed Nov 4, 2004, 3:00 p.m.: 28 IR 925)*

**460 IAC 1.1-5-26 Supported employment services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 26.** To be approved to provide supported employment services, an applicant shall meet the following requirements:

- (1) Be accredited by, or provide proof of an application to seek accreditation from, one (1) of the following organizations:
  - (A) The commission on accreditation of rehabilitation facilities (CARF) or its successor.
  - (B) The council on quality and leadership in supports for people with disabilities or its successor.
  - (C) The joint commission on accreditation of healthcare organizations (JCAHO) or its successor.
  - (D) The national commission on quality assurance or its successor.
  - (E) An independent national accreditation organization approved by the secretary.
- (2) Certify that, if approved, the applicant will provide services using only persons who meet the qualifications set out in 460 IAC 1.1-14-5.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-26; filed Nov 4, 2004, 3:00 p.m.: 28 IR 925)*

**460 IAC 1.1-5-27 Transportation services provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 12-17.2-2-4

**Sec. 27. (a)** To provide transportation services, an applicant shall be an entity approved by DDARS.

**(b)** To be approved to provide transportation services, an applicant shall certify that, if approved, transportation services will be provided using only persons having a valid:

- (1) operator's license;
- (2) chauffeur's license;
- (3) public passenger chauffeur's license; or
- (4) commercial driver's license;

issued to the person by a bureau of motor vehicles to drive the type of motor vehicle for which the license was issued. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-27; filed Nov 4, 2004, 3:00 p.m.: 28 IR 925)*

**460 IAC 1.1-5-28 Transportation supports provider qualifications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 28.** To provide transportation supports, an applicant shall be approved by DDARS. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-5-28; filed Nov 4, 2004, 3:00 p.m.: 28 IR 925)*

**Rule 6. Application and Approval Process**

**460 IAC 1.1-6-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 1.** This rule applies to all home and community based services providers. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-6-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 925)*

**460 IAC 1.1-6-2 Initial applications**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 2.** To receive initial approval as a home and community based services provider, an applicant shall submit the following for each service for which the applicant is seeking to be an approved provider:

- (1) An application on a form prescribed by DDARS/BAIHS.
- (2) Evidence that the provider meets the qualifications for home and community based services that the provider is seeking to be approved to provide as specified in this article.
- (3) Supporting documents specified on the application form to demonstrate the applicant's programmatic,

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financial, and managerial ability to provide home and community based services as set out in this article.

(4) A written and signed statement of assurance that the applicant will comply with the provisions of this article.

(5) A written and signed statement that the applicant will provide services to an individual as set out in the individual's care plan.

(6) Upon request, documentation, or provide copies during an on-site visit, as proof of the assurances in subdivisions (1) through (5).

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-6-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 925)*

### 460 IAC 1.1-6-3 Action on application

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 4-21.5; IC 12-10-1; IC 12-10-10

Sec. 3. (a) The BAIHS shall determine whether an applicant meets the requirements under this article upon review of an initial application. The BAIHS shall either:

(1) approve the applicant for a period not to exceed three (3) years; or

(2) deny approval to an applicant that does not meet the approval requirements of this article.

(b) If an applicant is seeking to obtain approval as a level 2 clinician under 460 IAC 1.1-5-6(c), DDARS behavior management committee shall review the applicant's credentials.

(c) The BAIHS shall notify an applicant in writing of the BAIHS determination within sixty (60) days of receipt of a completed application.

(d) If an applicant is adversely affected or aggrieved by the BAIHS determination, the applicant may request administrative review of the determination. Such request shall be made in writing and filed with the director of the division within fifteen (15) calendar days after the applicant receives written notice of the BAIHS determination. Administrative review shall be conducted under IC 4-21.5. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-6-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 926)*

### 460 IAC 1.1-6-4 Renewal of approval

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 4-21.5; IC 12-10-1; IC 12-10-10

Sec. 4. (a) A provider of home and community based services (HCBS) or supports shall file a written request for renewal of the BAIHS approval at least ninety (90) days prior to expiration of the BAIHS previous approval.

(b) Upon receiving a request for renewal of approved status, the BAIHS shall determine whether a provider continues to meet the requirements of this article, or any amendment to it.

(c) Approved status of a provider shall continue until

otherwise notified; renewal shall include verification of the following:

(1) The provider's operations have been surveyed either:

(A) within the preceding fifteen (15) months;

(B) as part of the renewal process; or

(C) they are a licensed entity.

(2) There are no outstanding issues that may seriously endanger the health or safety of an individual receiving services from the provider.

(d) In considering a request for the renewal of approval, the BAIHS shall either:

(1) approve the applicant for a period not to exceed three (3) years; or

(2) deny approval to an applicant that does not meet the approval requirements of this article.

(e) If a provider has complied with subsection (a), the BAIHS shall notify a provider in writing of the BAIHS determination at least thirty (30) days prior to the expiration of the provider's approval under this section.

(f) If a provider has complied with subsection (a) and if the BAIHS does not act upon a provider's request for renewal of approved status before the expiration of the provider's approved status, the provider's approved status shall continue until such time as the BAIHS acts upon the provider's request for renewal of approved status.

(g) If a provider is adversely affected or aggrieved by the BAIHS determination, the provider may request administrative review of the determination. The request shall be made in writing and filed with the director of the division within fifteen (15) calendar days after the provider receives written notice of the determination. Administrative review shall be conducted under IC 4-21.5. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-6-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 926)*

### 460 IAC 1.1-6-5 Application to provide additional services

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 5. (a) A provider seeking approval to provide an additional home and community based service shall comply with section 2 of this rule.

(b) Approval to provide additional services shall be granted by the BAIHS only if:

(1) the provider's operations have been reviewed, including review of any surveys, complaints, or summaries of incident reports; and

(2) there are no outstanding issues that may seriously endanger the health or safety of an individual and, if applicable, the provider remains licensed with the Indiana state department of health.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-6-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 926)*

**Rule 7. Monitoring; Sanctions; Administrative Review**

**460 IAC 1.1-7-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. This rule applies to all home and community based services.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-7-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 927)*

**460 IAC 1.1-7-2 Monitoring; corrective action**

Authority: IC 12-8-4-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. (a) The BAIHS or its designee shall monitor compliance with the requirements of this article at the following times:**

- (1) At least every fifteen (15) months.
- (2) Upon receiving a complaint or report alleging a provider's noncompliance with the requirements of this article.

**(b) The BAIHS or its designee shall monitor compliance with the requirements of this article through any of the following means:**

- (1) Requesting and obtaining information from the provider.
- (2) Site inspections.
- (3) Meeting with an individual or the individual's legal representative as applicable.
- (4) Review of provider records and the records of an individual.
- (5) Follow-up inspection as is reasonably necessary to determine compliance after the BAIHS has requested a corrective action plan.
- (6) The provider will submit to the BAIHS or its designee any requested documentation.

**(c) After any site inspection, the BAIHS or its designee shall issue a written report, which shall:**

- (1) be prepared by the BAIHS or its designee;
- (2) document the findings made during monitoring;
- (3) identify necessary corrective action;
- (4) identify the time period in which a corrective action plan shall be completed by the provider;
- (5) identify any documentation needed from the provider to support the provider's completion of the corrective action plan; and
- (6) be submitted to the provider.

**(d) A provider shall do the following:**

- (1) Complete a corrective action plan to the reasonable satisfaction of the BAIHS or its designee within the time period identified in the corrective action plan, or within

such other time period agreed to by the BAIHS or its designee and the provider.

(2) Notify the BAIHS or its designee upon the completion of a corrective action plan.

(3) Provide the BAIHS or its designee with any requested documentation.

**(e) If a person other than an individual receiving services files a complaint, BAIHS or its designee shall notify the person filing the complaint of the following:**

(1) The completion of the BAIHS monitoring as a result of the complaint.

(2) The completion of any corrective action by the provider as a result of the BAIHS monitoring of a provider.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-7-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 927)*

**460 IAC 1.1-7-3 Effect of noncompliance; notice**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 4-21.5; IC 12-10-1; IC 12-10-10

**Sec. 3. (a) If a provider does not comply with the requirements of this article or does not complete a corrective action plan to the reasonable satisfaction of the BAIHS or its designee within the time allowed, the BAIHS shall not authorize either or both of the following:**

(1) The continuation of services to an individual or individuals by the provider.

(2) The receipt of services by individuals not already receiving services from the provider.

**(b) After an acceptable corrective plan of action has been submitted to the BAIHS, the BAIHS or its designee shall monitor the provider's compliance with the corrective action plan. If the BAIHS determines that the provider has not implemented the corrective action plan, the BAIHS shall not authorize either or both of the following:**

(1) The continuation of services to an individual or individuals by the provider if the services do not comply with this article.

(2) The receipt of services by individuals not already receiving services from the provider at the time the determination is made that the provider did not submit a corrective action plan to the reasonable satisfaction of the BAIHS or its designee.

**(c) The BAIHS or its designee reserves the right to refer issues to the Medicaid fraud unit pursuant to the signed BAIHS provider agreement.**

**(d) The BAIHS or its designee shall give written notice of the BAIHS action under subsection (a), (b), or (c) to the following:**

- (1) The provider.
- (2) The individual receiving service from the provider.
- (3) The individual's legal representative if applicable.

**(e) The written notice under subsection (d) shall include**

the following:

- (1) The requirements of this article with which the provider has not complied.
- (2) The effective date, with at least thirty (30) days notice, of the BAIHS action under subsection (a).
- (3) The need for planning to obtain services that comply with this article for an individual or individuals.
- (4) The provider's right to seek administrative review of the BAIHS action.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-7-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 927)*

**460 IAC 1.1-7-4 Serious endangerment of individual's health and safety**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 4-21.5; IC 12-10-1; IC 12-10-10; IC 16-28-13

**Sec. 4. (a)** If a provider's noncompliance with this article seriously endangers the health or safety of an individual such that an emergency exists, as determined by the BAIHS or its designee, the BAIHS may enter an order for any of the following:

- (1) Termination of continued authorization for the provider to serve any individual whose health or safety is being seriously endangered.
- (2) Denial of authorization for the receipt of services by individuals not already receiving services from the provider at the time the BAIHS determines that a provider's noncompliance with this article endangers the health or safety of an individual.
- (3) Termination of continued authorization for the provider to provide any services under this article.
- (4) Referral of the provider to the Indiana state department of health or the Medicaid fraud unit, or both.

(b) Any action taken under subsection (a) shall remain in effect until such time as the BAIHS or its designee determines that the provider's noncompliance with this article is no longer endangering the health and safety of an individual.

(c) The BAIHS shall give written notice of an order under subsection (a) to the following:

- (1) The provider.
- (2) The individual receiving service from the provider.
- (3) The individual's legal representative as applicable.

(d) The written notice under subsection (a) shall include the following:

- (1) The requirements of this article with which the provider has not complied.
- (2) A brief statement of the facts and the law leading to the BAIHS determination that an emergency exists.
- (3) The need to immediately obtain services that comply with this article for an individual or individuals.
- (4) The provider's right to seek administrative review of the BAIHS action.

(e) The order issued under subsection (a):

- (1) shall expire on the date the BAIHS or its designee determines that an emergency no longer exists; and
- (2) is subject to review in ninety (90) days.

(f) During the pendency of any related proceedings under IC 4-21.5, the BAIHS may renew an emergency order for successive ninety (90) day periods. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-7-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 928)*

**460 IAC 1.1-7-5 Revocation of approval**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 5.** The BAIHS shall revoke the approval of a provider and may request sanctions up to and including referral to the Medicaid fraud unit under this rule for the following reasons:

- (1) The provider's repeated noncompliance with this article.
- (2) The provider's continued noncompliance with this article.
- (3) The provider's noncompliance with this article that seriously endangers the health or safety of an individual.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-7-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 928)*

**460 IAC 1.1-7-6 Administrative review**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 4-21.5; IC 12-10-1; IC 12-10-10

**Sec. 6. (a)** To qualify for administrative review of an action or determination of the BAIHS under this rule, the provider must file a request as follows that:

- (1) States in writing facts demonstrating that the provider is the following:
  - (A) A provider to whom the action is specifically directed.
  - (B) Aggrieved or adversely affected by the action.
  - (C) Entitled to review under any law.
- (2) Is filed with the director of the division within fifteen (15) calendar days after the provider receives notice of the agency action or determination.

(b) Administrative review shall be conducted in accordance with IC 4-21.5. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-7-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 928)*

**Rule 8. Rights of Individuals**

**460 IAC 1.1-8-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1.** This rule applies to all home and community based services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-8-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 928)*

*Services; 460 IAC 1.1-8-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 928)*

**460 IAC 1.1-8-2 Constitutional and statutory rights**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10; IC 12-27

**Sec. 2. (a) A provider shall ensure that an individual's rights as guaranteed by the Constitution of the United States and the Constitution of the State of Indiana are not infringed upon by the provider.**

**(b) A provider shall ensure that:**

- (1) an individual's rights as set out in IC 12-27 are not infringed upon by the provider; and**
- (2) an individual has the ability to exercise those rights as provided in IC 12-27.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-8-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 929)*

**460 IAC 1.1-8-3 Promoting the exercise of rights**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 3. To protect an individual's rights and enable an individual to exercise the individual's rights, a provider shall do the following:**

- (1) Provide an individual with humane care and protection from harm.**
- (2) To the extent possible, provide services in a safe, secure, and supportive environment that:**
  - (A) meet the assessed needs and are appropriate; and**
  - (B) comply with:**
    - (i) standards of professional practice;**
    - (ii) guidelines established by accredited professional organizations if applicable; and**
    - (iii) budgetary constraints.**
- (3) Obtain written consent from an individual, or the individual's legal representative if applicable, before releasing information from the individual's records unless the person requesting release of the records is authorized by law to receive the records without consent.**
- (4) Process and make decisions regarding complaints filed by an individual within two (2) weeks after the provider receives the complaint.**
- (5) Inform an individual in writing and in the individual's usual mode of communication, evidenced by signed documentation of the following:**
  - (A) The individual's constitutional and statutory rights using a form approved by the BAIHS.**
  - (B) The complaint procedure established by the provider for processing complaints.**
  - (C) The complaint procedure established by DDARS or its designee on the approved complaint form.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-8-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 929)*

**Rule 9. Protection of an Individual**

**460 IAC 1.1-9-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. This rule applies to all home and community based services.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-9-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 929)*

**460 IAC 1.1-9-2 Adoption of policies and procedures to protect individuals**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-11-1-1; IC 12-11-2.1

**Sec. 2. (a) A provider shall adopt written policies and procedures regarding the requirements of sections 3 and 4 of this rule.**

**(b) A provider shall require the provider's employees or agents to be familiar with and comply with the policies and procedures required by subsection (a).**

**(c) Beginning on the date services for an individual commence and at least one (1) time a year thereafter, the case manager shall inform:**

- (1) the individual in writing and in the individual's usual mode of communication;**
- (2) the individual's parent, if the individual is less than eighteen (18) years of age or if the individual's parent is the individual's legal representative; and**
- (3) the individual's legal representative if applicable;**

**of the policies and procedures adopted under this section and 460 IAC 1.1-8-3.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-9-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 929)*

**460 IAC 1.1-9-3 Prohibiting violations of individual rights**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 3. (a) A provider shall not:**

- (1) abuse, neglect, exploit, or mistreat an individual; or**
- (2) violate an individual's rights as provided in 460 IAC 1.1-8-2.**

**(b) A provider who delivers services through employees or agents shall adopt policies and procedures that prohibit:**

- (1) abuse, neglect, exploitation, or mistreatment of an individual; or**
- (2) violation of an individual's rights.**

**(c) Practices prohibited under this section include, but are not limited to, the following:**

- (1) Corporal punishment inflicted by the application of painful stimuli to the body, which includes any of the following:**

**(A) Forced physical activity.**

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- (B) Hitting.
- (C) Pinching.
- (D) The application of painful or noxious stimuli.
- (E) The use of electric shock.
- (F) The infliction of physical pain.
- (2) Seclusion by placing an individual alone in a room or other area from which exit is prevented.
- (3) Verbal abuse, including:
  - (A) screaming;
  - (B) swearing;
  - (C) name-calling;
  - (D) belittling; or
  - (E) other verbal activity;that may cause damage to an individual's self-respect or dignity.
- (4) A practice that denies an individual any of the following without a health care practitioner's order:
  - (A) Sleep.
  - (B) Shelter.
  - (C) Food.
  - (D) Drink.
  - (E) Physical movement for prolonged periods of time.
  - (F) Medical care or treatment.
  - (G) Use of bathroom facilities.
- (5) Work or chores benefiting others without pay unless:
  - (A) the provider has obtained a certificate from the United States Department of Labor authorizing the employment of workers with a disability at special minimum wage rate;
  - (B) the services are being performed by an individual in the individual's own residence as a normal and customary part of housekeeping and maintenance duties; or
  - (C) an individual desires to perform volunteer work in the community.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-9-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 929)*

### 460 IAC 1.1-9-4 Procedures for protecting individuals

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 4. (a) Except as specified in this section, this section applies to all providers of home and community based services.

- (b) The individual's case manager shall inform the individual at regular intervals, as specified by the individual's care plan, of the following:
  - (1) The individual's medical condition.
  - (2) The individual's cognitive and behavioral status.
  - (3) The advantages and disadvantages of the current plan of care.
  - (4) The individual's right to refuse treatment.
- (c) The individual's support team shall establish a procedure to ensure that an individual:

- (1) Has the opportunity for personal privacy.
- (2) Is not compelled to perform services for a provider.
- (3) Who works voluntarily for a provider is compensated:
  - (A) at the prevailing wage for the job; and
  - (B) commensurate with the individual's abilities; unless the provisions of section 3(c)(5) of this rule are met.
- (4) Has the opportunity to communicate, associate, and meet privately with persons of the individual's choosing.
- (5) Has the means to send and receive unopened mail.
- (6) Has access to a telephone with privacy for incoming and outgoing local and long distance calls at the individual's expense.
- (7) Has the opportunity to participate in social, religious, and community activities.
- (8) Has the right to retain and use appropriate personal possessions and clothing.
- (9) Is free of threat of or actual harm from misuse or misappropriation of funds or property.

(d) The BAIHS protocol specified in the incident reporting policy manual describes the responsibilities of the provider of services for conducting an investigation or participating in an investigation of an alleged violation of an individual's rights or a reportable unusual occurrence, including taking all immediate necessary steps to protect an individual who has been the victim of abuse, neglect, exploitation, or mistreatment from further abuse, neglect, exploitation, or mistreatment.

(e) Each provider of services shall establish a written procedure providing for:

- (1) administrative action against;
- (2) investigating an alleged violation by;
- (3) disciplinary action against; and
- (4) dismissal of;

an employee or agent of the provider, if the employee or agent is involved in the abuse, neglect, exploitation, or mistreatment of an individual or a violation of an individual's rights.

(f) Each provider of services shall establish a written procedure for employees or agents of the provider to report violations of the provider's policies and procedures to the provider.

(g) Each provider of services shall establish a written procedure for the provider or for an employee or agent of the provider for informing:

- (1) adult protective services or child protection services as applicable;
- (2) an individual's legal representative if applicable;
- (3) any person designated by the individual; and
- (4) the provider of case management services to the individual;

of a situation involving the abuse, neglect, exploitation, or mistreatment of an individual or the violation of an individual's rights.

(h) Each provider of services shall establish a written protocol for reporting reportable unusual occurrences to the BAIHS as required by section 5 of this rule.

(i) Each provider of services shall establish a written protocol for the individual receiving services on the right to and how to file a complaint with the BAIHS. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-9-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 930*)

**460 IAC 1.1-9-5 “Unusual occurrence” defined; reporting**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 35-46-1-4; IC 35-46-1-12

Sec. 5. (a) As used in this article, “unusual occurrence” means an incident of suspected abuse, neglect, or exploitation of an adult or child residing in a community residential setting with home and community based services. All incidents falling in this category must be reported on the prescribed incident reporting form approved by DDARS and also reported, as applicable, to adult protective services or child protective services.

(b) Examples of an unusual occurrence include, but are not limited to, the following:

(1) Alleged, suspected, or actual abuse, neglect, or exploitation of an individual. The provider shall suspend staff involved from duties related to direct client care pending provider investigation, and shall report the unusual occurrence to the applicable adult protective services or child protective services office.

(A) “Abuse”, for purposes of this subsection, includes, but is not limited to, the following:

- (i) Intentional or willful infliction of physical injury.
- (ii) Unnecessary physical or chemical restraints or isolation.
- (iii) Punishment with resulting physical harm or pain.
- (iv) Sexual molestation, rape, sexual misconduct, sexual coercion, and sexual exploitation.
- (v) Verbal or demonstrative harm caused by oral or written language or gestures with disparaging or derogatory implications.
- (vi) Any harm caused by:
  - (AA) unreasonable confinement;
  - (BB) intimidation;
  - (CC) humiliation;
  - (DD) harassment;
  - (EE) threats of punishment;
  - (FF) deprivation;
  - (GG) neglect; or
  - (HH) physical or financial exploitation.

(B) “Neglect”, for purposes of this subsection, means either of the following:

- (i) Failure to provide supervision, training, or appropriate care.
- (ii) Failure to provide food, medical care, or medical

supervision to an individual as described under IC 35-46-1-4.

(C) “Exploitation”, for purposes of this subsection, means either of the following:

- (i) Unauthorized use of the:
  - (AA) personal services;
  - (BB) the property; or
  - (CC) the identity;
 of an individual.
- (ii) Any other type of criminal exploitation, including exploitation under IC 35-46-1-12, for one’s own profit or advantage or for the profit or advantage of another.

(2) Accidental or unexpected death of an individual. All deaths must also be reported to adult protective services or child protective services. The narrative must include the following:

- (A) Name of the person contacted.
- (B) Phone number of the contact.
- (C) County of the contact.

(3) A residence that compromises the health and safety of an individual due to a significant interruption of a major utility, such as the following:

- (A) Electricity.
- (B) Heat.
- (C) Water.
- (D) Air conditioning.
- (E) Plumbing.
- (F) Fire alarm.
- (G) Sprinkler system (if applicable).

(4) Environmental or structural problems associated with a residence that compromises the health and safety of an individual including the following:

- (A) Inappropriate sanitation.
- (B) Rodents.
- (C) Structural damage.
- (D) Damage caused by acts of nature, including the following:
  - (i) Lightning.
  - (ii) Flood.
  - (iii) Weather.

(5) Residential fire resulting in the following:

- (A) Relocation.
- (B) Personal injury.
- (C) Property loss.
- (D) Other issues.

(6) Observed criminal activity by any of the following:

- (A) A staff member, employee, or agent of a provider.
- (B) A family member of an individual receiving services.
- (C) The individual receiving services.

(7) Injuries of unknown origin. A significant injury of unknown origin to an individual may include, but is not limited to, the following:

- (A) A fracture.
- (B) A burn greater than first degree.
- (C) Choking that requires intervention.

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- (D) Contusions or lacerations.
- (E) Any injury that may involve treatment by a health care practitioner.
- (F) A fall by an individual who does not usually fall.
- (8) Attempted suicide that results in physical harm or injury to the individual, plus the need for around-the-clock care (regardless of the type of facility).
- (9) Suspected rape, sexual assault, or sexual exploitation by a person receiving services.
- (10) A major disturbance or threat to public safety created in the community by the individual. The threat can be toward anyone including staff and can be in an internal setting. It does not have to be outside the residential setting.
- (11) Police involvement when there is an arrest of the individual.
- (12) Elopement or missing person. Questions that should be answered to report a missing person include the following:
  - (A) How long the individual was gone.
  - (B) How the individual eloped or became missing without someone's noticing.
  - (C) Where the staff was and what the staff was doing at the time of the elopement or when the person became missing.
  - (D) Where the individual was found.
  - (E) Who found the individual.
  - (F) How the individual was found, including what the individual was doing and their condition.
  - (G) Was the individual at risk to himself or herself or to others, or both.
  - (H) What is the history of previous elopements or missing persons with this individual.
  - (I) What measures are in place to prevent this in the future.
  - (J) Is there a behavioral support plan in place to address this.
- (13) Medication errors.
  - (A) This subdivision applies only if medication is administered by a paid provider.
  - (B) Refusal to take medications does not constitute an error and does not require filing of an incident report but should be followed up by medical personnel and the support team to ensure that the health and safety of the individual is safeguarded. This information should also be documented in the individual's record.
  - (C) If an individual cannot self-medicate, a medication error, except for refusal to take medications, that jeopardizes an individual's health and safety, includes the following:
    - (i) Medication given that was not prescribed or ordered for the individual.
    - (ii) Failure to administer medication as prescribed, including the following:
      - (AA) Incorrect dosage.
      - (BB) Missed medication.

(CC) Failure to give medication at the appropriate time.

(14) Use of any PRN medication related to an individual's behavior.

(15) Inadequate staff support for an individual, including inadequate supervision, with the potential for either of the following:

(A) Significant harm or injury to an individual.

(B) Death of an individual.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-9-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 931)*

### 460 IAC 1.1-9-6 Transfer of individual's records upon change of provider

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 6. (a) If an individual changes providers for any home and community based service, the provider shall do the following:

(1) Discuss with the individual the new provider's need to obtain a copy of the previous provider's records and files concerning the individual.

(2) Provide the individual with a written form used to authorize the previous provider's release of a copy of the records and files concerning the individual to the new provider.

(3) Request the individual to sign the release form.

(b) Upon receipt of a written release signed by the individual, a provider shall forward a copy of the case summary, the most current medical plan of care, and the Medicaid prior authorization plan from the individual's records and files to the new provider no later than seven (7) calendar days after receipt of the written release signed by the individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-9-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 932)*

### 460 IAC 1.1-9-7 Notice of termination of services

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 7. (a) A provider shall give an individual and an individual's representative written notice as prescribed by the BAIHS provider agreement before terminating the individual's services, if the services being provided to the individual are of an ongoing nature.

(b) If the provider is providing any services to the individual, besides case management services, before terminating services, the provider shall continue providing services to the individual until a new provider providing similar services is in place. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-9-7; filed Nov 4, 2004, 3:00 p.m.: 28 IR 932)*

### Rule 10. General Administrative Requirements for Providers

**460 IAC 1.1-10-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. This rule applies to all home and community based services.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 933*)

**460 IAC 1.1-10-2 Documentation of approvals**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. A provider shall maintain documentation that the BAIHS has approved the provider for each service provided.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 933*)

**460 IAC 1.1-10-3 Compliance with laws**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 3. A provider shall comply with all applicable state and federal statutes, rules, regulations, and requirements, including all applicable provisions of the federal Older Americans Act, Public Law 89-73, Americans with Disabilities Act (ADA), 42 U.S.C. 12001 et seq.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 933*)

**460 IAC 1.1-10-4 Compliance with state Medicaid plan; Medicaid waivers**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 4. A provider shall comply with the provisions of:**  
 (1) the state Medicaid plan; and  
 (2) any Medicaid waiver applicable to the provider's services;  
**or the provider may face the sanctions set out in 460 IAC 1.1-7.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 933*)

**460 IAC 1.1-10-5 Documentation of criminal histories**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10; IC 12-10-13; IC 12-10-17; IC 16-27-2-5; IC 31-33-22-1; IC 35-42-1; IC 35-42-4; IC 35-43-4; IC 35-46-1-12; IC 35-46-1-13

**Sec. 5. (a) A provider shall obtain a full criminal history from each employee involved in the direct management, administration, or provision of services from the following:**  
 (1) The Indiana central repository; and  
 (2) The county or counties of residence for the previous three (3) years.

(b) The full criminal history shall verify that the employee,

officer, or agent does not have any evidence of any of the following:

- (1) A sex crime (IC 35-42-4).
- (2) Exploitation of an endangered adult (IC 35-46-1-12).
- (3) Failure to report either of the following:
  - (A) Battery, neglect, or exploitation of an endangered adult (IC 35-46-1-13).
  - (B) Abuse or neglect of a child (IC 31-33-22-1).
- (4) Theft (IC 35-43-4), if the person's conviction for theft occurred less than ten (10) years before the person's employment application date, except as provided in IC 16-27-2-5(a)(5).
- (5) Murder (IC 35-42-1-1).
- (6) Voluntary manslaughter (IC 35-42-1-3).
- (7) Involuntary manslaughter (IC 35-42-1-4).
- (8) Felony battery.
- (9) A felony offense relating to a controlled substance.

(c) A provider shall have a report from the state nurse aide registry of the Indiana state department of health verifying that each employee or agent involved in the direct provision of services has not had a finding entered into the state nurse aide registry.

(d) A provider shall have all licensed health professionals checked for findings through the Indiana health professions bureau.

(e) If an individual is utilizing self-directed care, the individual's choice of assistant must be trained as indicated in IC 12-10-17-5 and must be placed on the state DDARS/BAIHS registry under IC 12-10-17-12. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 933*)

**460 IAC 1.1-10-6 Provider organizational chart**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 6. (a) A provider shall maintain a current organizational chart, including parent organizations and subsidiary organizations.**

(b) Upon request, a provider shall supply the BAIHS with a copy of the chart described in subsection (a). (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 933*)

**460 IAC 1.1-10-7 Collaboration and quality control**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 7. (a) A provider for an individual shall collaborate with the individual's other service providers to coordinate services to the individual consistent with the individual's care plan.**

(b) A provider for an individual shall give the individual's

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provider of case management services access to the provider's quality assurance and quality improvement procedures.

(c) If a provider administers medication to an individual, the provider for the individual shall implement the medication assistance procedure designed by the individual's provider responsible for medication administration.

(d) If applicable, a provider for an individual shall implement the seizure management procedure designed by the individual's provider responsible for seizure management.

(e) If applicable, a provider for an individual shall implement the health-related unusual occurrence management procedure designed by the individual's provider.

(f) If applicable, a provider for an individual shall implement the behavioral support plan designed by the individual's provider of behavioral support services.

(g) If an individual dies, a provider shall cooperate with the provider responsible for conducting an investigation into the individual's death under 460 IAC 1.1-25-6. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-7; filed Nov 4, 2004, 3:00 p.m.: 28 IR 933*)

### 460 IAC 1.1-10-8 Resolution of disputes

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 4-21.5; IC 12-11-1.1; IC 12-11-2.1

Sec. 8. (a) If a dispute arises between or among providers, the dispute resolution process set out in this section shall be implemented.

(b) The resolution of a dispute shall be designed to address an individual's needs.

(c) The parties to the dispute shall attempt to resolve the dispute informally through an exchange of information and possible resolution.

(d) If the parties are not able to resolve the dispute within fifteen (15) days:

- (1) each party shall document:
  - (A) the issues in the dispute;
  - (B) their positions; and
  - (C) their efforts to resolve the dispute; and
- (2) the parties shall refer the dispute to the BAIHS for resolution in coordinating the recipient's needs.

(e) The parties shall abide by the decision of the BAIHS.

(f) Any party adversely affected or aggrieved by the BAIHS decision may request an administrative review of the decision within fifteen (15) days after the party receives

written notice of the recommendation.

(g) Administrative review shall be conducted under IC 4-21.5. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-8; filed Nov 4, 2004, 3:00 p.m.: 28 IR 934*)

### 460 IAC 1.1-10-9 Automation standards

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 9. A provider shall comply with all automation standards and requirements prescribed by the applicable funding agency concerning documentation and processing of services provided under this article. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-9; filed Nov 4, 2004, 3:00 p.m.: 28 IR 934*)

### 460 IAC 1.1-10-10 Quality assurance and quality improvement system

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 10. (a) A provider shall have an internal quality assurance and quality improvement system that is:

- (1) focused on the individual; and
- (2) appropriate for the services being provided.

(b) The system described in subsection (a) shall include at least the following elements:

- (1) An annual survey of individual satisfaction.
- (2) Records of the findings of annual individual satisfaction surveys.
- (3) Documentation of efforts to improve service delivery in response to the survey of individual satisfaction.
- (4) An assessment of the appropriateness and effectiveness of each service provided to an individual.
- (5) A process for the following, if applicable:
  - (A) Analyzing data concerning reportable incidents.
  - (B) Developing recommendations to reduce the risk of future incidents.
  - (C) Reviewing the recommendations to assess their effectiveness.
- (6) If behavioral support services are provided by a provider, a process for the following:
  - (A) Analyzing the appropriateness and effectiveness of behavioral support techniques used for an individual.
  - (B) Developing recommendations concerning the behavioral support techniques used with an individual.
  - (C) Reviewing the recommendations to assess their effectiveness.
- (7) If community habilitation and participation are provided by a provider, a process for:
  - (A) analyzing the appropriateness and effectiveness of instructional techniques used for an individual;
  - (B) developing recommendations concerning the instructional techniques used with an individual; and

**(C) reviewing the recommendations to assess their effectiveness.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-10; filed Nov 4, 2004, 3:00 p.m.: 28 IR 934)*

**460 IAC 1.1-10-11 Prohibition against office in residence of individual**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 11. In the instance where residency is a service, a provider shall not:**

- (1) maintain an office in an individual's residence from which the individual is excluded from entering or from using any or all equipment contained in the office; or**
- (2) conduct the provider's business operations not related to services to the individual in the individual's residence.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-11; filed Nov 4, 2004, 3:00 p.m.: 28 IR 935)*

**460 IAC 1.1-10-12 Emergency behavioral support**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 12. (a) In an emergency, chemical restraint, physical restraint, or removal of an individual from the individual's environment may be used:**

- (1) without the necessity of a behavioral plan; and**
- (2) only to prevent significant harm to the individual or others.**

**(b) The individual's support team shall meet not later than five (5) working days after an emergency chemical or physical restraint or removal of an individual from the environment in order to do the following:**

- (1) Review the circumstances of the emergency chemical or physical restraint or removal of an individual.**
- (2) Determine the need for either of the following:**
  - (A) A functional analysis.**
  - (B) A behavioral support plan.**
- (3) Document recommendations.**

**(c) If a provider of behavioral support services is not a member of an individual's support team, a provider of behavioral support services must be added to the individual's support team.**

**(d) Based on the recommendations of the support team, a provider of behavioral support services shall do the following:**

- (1) Complete a functional analysis within thirty (30) days.**
- (2) Make appropriate recommendations to the support team.**

**(e) The individual's support team shall do the following:**

- (1) Document the recommendations of the behavioral support services provider.**
- (2) Design an accountability system to ensure implementa-**

**tion of the recommendations.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-10-12; filed Nov 4, 2004, 3:00 p.m.: 28 IR 935)*

**Rule 11. Financial Status of Providers**

**460 IAC 1.1-11-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. This rule applies to all home and community based services.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-11-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 935)*

**460 IAC 1.1-11-2 Disclosure of financial information**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 5-11-1; IC 12-10-1; IC 12-10-10

**Sec. 2. (a) A provider shall maintain and, upon the BAIHS request, shall make available to the BAIHS or its designee the following information concerning the provider:**

- (1) Financial status.**
- (2) Current expenses and revenues.**
- (3) Projected budgets outlining future operations.**
- (4) Credit history and the ability to obtain credit.**

**(b) A provider shall maintain financial records in accordance with generally accepted accounting and bookkeeping practices.**

**(c) The financial status of a provider shall be audited according to state board of accounts requirements and procedures.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-11-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 935)*

**460 IAC 1.1-11-3 Financial stability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 3. A provider must show proof of credit line from a bank and should have sufficient cash reserves to deliver services without interruption for at least two (2) months without payment for services.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-11-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 935)*

**Rule 12. Insurance**

**460 IAC 1.1-12-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. This rule applies to all home and community based services.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-12-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 935)*

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### 460 IAC 1.1-12-2 Property and personal liability insurance

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 2.** A provider shall secure sufficient insurance to cover:

- (1) personal injury;
- (2) loss of life; and
- (3) property damage;

to an individual caused by fire, accident, or other casualty arising from the provision of services to the individual by the provider. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-12-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 936*)

### Rule 13. Transportation of an Individual

#### 460 IAC 1.1-13-1 Applicability

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1.** This rule applies to all home and community based services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-13-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 936*)

#### 460 IAC 1.1-13-2 Transportation of an individual

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 2.** A provider that transports an individual receiving services in a provider owned motor vehicle shall do the following:

- (1) Maintain the vehicle in good repair.
- (2) Properly register the vehicle with the Indiana bureau of motor vehicles or in the state in which the owner of the vehicle resides.
- (3) Insure the vehicle as required under Indiana law.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-13-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 936*)

### Rule 14. Professional Qualifications and Requirements

#### 460 IAC 1.1-14-1 Applicability

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1.** This rule applies to all home and community based services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-14-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 936*)

#### 460 IAC 1.1-14-2 Requirement for qualified personnel

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 2.** A provider shall ensure that services provided to an individual:

- (1) meet the needs of the individual;
- (2) conform to the individual's care plan; and
- (3) are provided by qualified personnel as required under this article.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-14-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 936*)

#### 460 IAC 1.1-14-3 Documentation of qualifications

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 3.** A provider shall maintain documentation that:

- (1) the provider meets and maintains the requirements for providing services under this article; and
- (2) the provider's employees or agents meet and maintain the requirements for providing services under this article.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-14-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 936*)

#### 460 IAC 1.1-14-4 Training

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 4. (a)** A provider shall train the provider's employees or agents in the protection of an individual's rights, including how to do the following:

- (1) Respect the dignity of an individual.
- (2) Protect an individual from abuse, neglect, and exploitation.
- (3) Implement an appropriate comprehensive assessment and an individual's care plan.
- (4) Communicate successfully with an individual.

(b) A provider identified in the care plan that develops training goals and objectives for an individual shall train the provider's employees or agents in the following:

- (1) The strategies required to assure process toward the outcomes and objectives.
- (2) Appropriate documentation of an individual's progress on outcomes and objectives.

(c) A provider shall train staff, within their appropriate job duties, in providing a healthy and safe environment for an individual, including, but not limited to, if applicable, how to do the following:

- (1) Assist with medication.
- (2) Administer first aid.
- (3) Administer cardiopulmonary resuscitation.
- (4) Practice infection control.
- (5) Practice universal precautions.
- (6) Manage individual-specific treatments and interventions, including, where applicable, management of an individual's:
  - (A) seizures;
  - (B) behavior;
  - (C) medication side effects;
  - (D) diet and nutrition;

- (E) swallowing difficulties;
- (F) emotional and physical crises; and
- (G) significant health concerns.

(7) Conduct and participate in emergency drills and evacuations as identified by the care plan.

(d) A person shall complete applicable training as required in this section prior to that person working alone with an individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-14-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 936*)

**460 IAC 1.1-14-5 Requirements for direct care staff**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 5. All direct care staff working with individuals shall meet the following requirements:

- (1) Be at least eighteen (18) years of age.
- (2) Demonstrate the ability to communicate adequately in order to do the following:
  - (A) Complete required forms and reports of visits.
  - (B) Follow oral or written instructions.
- (3) Demonstrate the ability to provide services according to the individual's care plan.
- (4) Demonstrate willingness to accept supervision.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-14-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 937*)

**Rule 15. Personnel Records**

**460 IAC 1.1-15-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 1. This rule applies to all home and community based services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-15-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 937*)

**460 IAC 1.1-15-2 Maintenance of personnel files**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 2. (a) A provider shall maintain, in the provider's office, files for each employee or agent of the provider.

(b) The provider's files for each employee or agent shall contain the following:

- (1) A tuberculin skin test prior to providing services and updated in accordance with recommendations of centers for disease control and will include either of the following:
  - (A) A negative finding or zero (0) mm reaction.
  - (B) All employees who have a positive reaction to the skin test shall be required to have a chest x-ray and other physical and laboratory examinations in order to complete a diagnosis.
- (2) Cardiopulmonary resuscitation certification updated

in accordance with the standards of the American Heart Association, the American Red Cross, or another entity approved by the BAIHS.

(3) Auto insurance information, updated when the insurance is paid, if the employee or agent will be transporting an individual in the employee's or agent's personal vehicle.

(4) Full criminal history information that meets the requirements of 460 IAC 1.1-10-5.

(5) Professional licensure, certification, or registration, including renewals, as applicable.

(6) A copy of the employee's or agent's driver's license updated when the license is due to expire.

(7) Records of the agent's invoices for services.

(8) Copies of the agenda for each training session attended by the employee or agent, including the following:

- (A) Subject matter included in each training session.
- (B) The date and time of each training session.
- (C) The name of the person or persons conducting each training session.
- (D) Documentation of the employee's or agent's attendance at each session, signed by:
  - (i) the employee or agent; and
  - (ii) the trainer.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-15-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 937*)

**Rule 16. Personnel Policies and Manuals**

**460 IAC 1.1-16-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 1. (a) This rule applies to a provider who uses employees or agents to provide services.

(b) This rule applies to all home and community based services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-16-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 937*)

**460 IAC 1.1-16-2 Adoption of personnel policies**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 2. (a) A provider shall do the following:

- (1) Adopt and maintain a written personnel policy.
- (2) Review and update the personnel policy as appropriate.
- (3) Distribute the personnel policy to each employee or agent.
- (4) Adopt and maintain a job description for each position, including the following:
  - (A) Minimum qualifications for the position.
  - (B) Major duties required of the position.
  - (C) Responsibilities of the employee in the position.

(b) The written personnel policy required by subsection

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(a) must include, but is not limited to, the following:

- (1) A procedure for conducting reference, employment, and criminal background checks on each prospective employee or agent.
- (2) A prohibition against employing or contracting with a person convicted of the offenses listed in 460 IAC 1.1-10-5.
- (3) A process for evaluating the job performance of each employee or agent at the end of the training period and annually thereafter, including a process for feedback from individuals receiving services from the employee or agent.
- (4) Disciplinary procedures.
- (5) A description of grounds for disciplinary action against or dismissal of an employee or agent.
- (6) A clear description of an employee's rights and responsibilities, including the responsibilities of administrators and supervisors.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-16-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 937)*

### 460 IAC 1.1-16-3 Policies and procedures documentation

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 3. (a) A provider shall do the following:

- (1) Adopt and maintain a written training procedure.
- (2) Review and update the training procedure as appropriate.
- (3) Distribute the training procedure to the provider's employees or agents.

(b) The written training procedure required by subsection

(a) shall include at least the following:

- (1) Mandatory orientation for each new employee or agent to assure the employee's or agent's understanding of and compliance with the following:
  - (A) The mission, goals, organization, and practices of the provider.
  - (B) The applicable requirements of this article.
- (2) A system for documenting the training for each employee or agent, including the following:
  - (A) The type of training provided.
  - (B) The name and qualifications of the trainer.
  - (C) The duration of training.
  - (D) The date or dates of training.
  - (E) The signature of the trainer, verifying the satisfactory completion of training by the employee or agent.
  - (F) The signature of the employee or agent.
- (3) A system for ensuring that a trainer has sufficient education, expertise, and knowledge of the subject to achieve listed outcomes required under the system.
- (4) A system for providing annual inservice training to improve the competence of employees or agents in the following areas:
  - (A) Protection of individual rights, including protection against abuse, neglect, or exploitation.
  - (B) Unusual occurrence reporting.
  - (C) Medication assistance if the provider assists with

medication to an individual.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-16-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 938)*

### 460 IAC 1.1-16-4 Operations manual

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 4. (a) A provider shall compile the written policies and procedures required by sections 1 through 3 of this rule into a written operations manual.

(b) The operations manual shall be regularly updated and revised.

(c) Upon the request of the BAIHS the provider shall do the following:

- (1) Supply a copy of the operations manual to the BAIHS or other state agency at no cost; the BAIHS or its designee will maintain the confidentiality of any proprietary information.
- (2) Make the operations manual available to the BAIHS or other state agency for inspection at the offices of the provider.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-16-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 938)*

### Rule 17. Maintenance of Records of Services Provided

#### 460 IAC 1.1-17-1 Applicability

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 1. This rule applies to all home and community based services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-17-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 938)*

#### 460 IAC 1.1-17-2 Maintenance of records of services provided

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 2. (a) This section applies to all providers.

(b) A provider shall maintain, in the provider's office, documentation of all services provided to an individual.

(c) Documentation related to an individual and required by this article shall be maintained by the provider for at least seven (7) consecutive years following discharge of the individual or as specified in law or rule.

(d) A provider shall analyze and maintain the documentation required by the following:

- (1) The standards under this article applicable to the services the provider is providing to an individual.
- (2) The professional standards applicable to the provider's profession.

**(3) The individual's care plan.**

**(e) A provider shall analyze and update the documentation at least every ninety (90) days if:**

- (1) the standards under this article do not provide a standard for analyzing and updating documentation;**
- (2) the professional standards applicable to the provider's profession do not provide a standard; or**
- (3) a standard is not set out in the individual's care plan.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-17-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 938)*

**460 IAC 1.1-17-3 Individual's personal file; site of service delivery**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 3. (a) A provider specified in the individual's care plan as being responsible for maintaining the individual's personal file shall maintain a personal file for the individual at the individual's residence or:**

- (1) the primary location where the individual receives services; and**
- (2) the offices of the specified provider.**

**(b) There must be a system in place for the transfer of information from each provider listed on the individual's care plan.**

**(c) The individual's personal file shall contain the following information:**

- (1) The individual's full name.**
- (2) Telephone numbers for emergency services that may be required by the individual.**
- (3) A current sheet with a brief summary regarding the following:**
  - (A) The individual's diagnosis or diagnoses.**
  - (B) The individual's treatment protocols, current medications, and other health information specified by the individual's care plan.**
  - (C) Behavioral information about the individual, if applicable.**
  - (D) Likes and dislikes of the individual that have been identified in the individual's care plan.**
  - (E) Other information relevant to working with the individual.**
- (4) The individual's history of allergies, if applicable.**
- (5) Consent by the individual or the individual's legal representative for emergency treatment for the individual.**
- (6) A photograph of the individual if:**
  - (A) a photograph is available; and**
  - (B) inclusion of a photograph in the individual's file is specified by the individual's care plan.**
- (7) A copy of the individual's current care plan.**
- (8) A copy of the individual's behavioral support plan if applicable.**
- (9) Documentation of the following:**

**(A) Changes in the individual's physical condition or mental status during the last sixty (60) days.**

**(B) An unusual event such as:**

- (i) vomiting;**
- (ii) choking;**
- (iii) falling;**
- (iv) injuries with unknown origin;**
- (v) disorientation or confusion;**
- (vi) behavioral problems; or**
- (vii) seizures;**

**occurring during the last sixty (60) days.**

**(C) The response of each provider to the observed change or unusual event.**

**(10) If an individual's goals include bill paying and other financial matters, the individual's file shall contain, if applicable, the following:**

**(A) The individual's checkbook with clear documentation that the checkbook has been balanced.**

**(B) Bank statements with clear documentation that the bank statements and the individual's checkbook have been reconciled.**

**(11) All environmental assessments conducted during the last sixty (60) days with the signature of the person or persons conducting the assessment on the assessment.**

**(12) All medication administration documentation for the last sixty (60) days if not self-medicating.**

**(13) All seizure management documentation for the last sixty (60) days.**

**(14) Health-related unusual occurrence or incident management documentation for the last sixty (60) days.**

**(15) All nutritional counseling services documentation for the last sixty (60) days.**

**(16) All behavioral support services documentation for the last sixty (60) days.**

**(17) All goal directed documentation for the last sixty (60) days.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-17-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 939)*

**460 IAC 1.1-17-4 Individual's personal file; provider's office**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 4. (a) A provider specified in the individual's care plan as being responsible for maintaining the individual's personal file shall maintain a personal file for an individual at the provider's office.**

**(b) The individual's personal file should include, but is not limited to, documentation of the following:**

- (1) A change in an individual's physical condition or mental status.**
- (2) An unusual event for the individual.**
- (3) All health and medical services provided to an individual.**
- (4) An individual's training goals.**

(c) A change or unusual event referred to in subsection (b) shall include the following:

- (1) Vomiting.
- (2) Choking.
- (3) Falling.
- (4) Disorientation or confusion.
- (5) Patterns of behavior.
- (6) A seizure.

(d) The documentation of a change or an event referred to in subsections (b) and (c) shall, if applicable, include the following:

- (1) The date, time, and duration of the change or event.
- (2) A description of the response of the provider or the provider's employees or agents to the change or event.
- (3) The signature of the provider or the provider's employees or agents observing the change or event.

(e) The documentation of all health and medical services provided to the individual shall:

- (1) be kept chronologically; and
- (2) include the following:
  - (A) Date of services provided to the individual.
  - (B) A description of services provided.
  - (C) The signature of the health care professional providing the services.

(f) The individual's training file shall include documentation regarding the individual's training goals required by 460 IAC 1.1-24-1. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-17-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 939*)

### Rule 18. Behavioral Support Services

#### 460 IAC 1.1-18-1 Preparation of behavioral support plan

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 1. A behavioral support services provider shall prepare a behavioral support plan for an individual only after the provider has:

- (1) directly observed the individual; and
- (2) reviewed reports regarding the individual.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-18-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 940*)

#### 460 IAC 1.1-18-2 Behavioral support plan standards

Authority: IC 12-8-8-4; IC 12-9-2-2  
Affected: IC 12-10-1; IC 12-10-10

Sec. 2. A behavioral support plan shall do the following:

- (1) Meet the standards set out in this section and be part of an approved care plan for the individual.
- (2) Operationally define the targeted behavior or behaviors.
- (3) Be based upon a functional analysis of the targeted behaviors.

(4) Contain written guidelines for teaching the individual functional and useful behaviors to replace the individual's maladaptive behavior.

(5) Use nonaversive methods for teaching functional and useful replacement behaviors.

(6) Conform to the individual's care plan, including the needs and outcomes identified in the care plan and the care plan specifications for behavioral support services.

(7) Contain documentation that each person implementing the plan:

(A) has received specific training as provided in the plan in the techniques and procedures required for implementing the behavioral support plan; and

(B) understands how to use the techniques and procedures required to implement the behavioral support plan regardless of whether the person implementing the plan is an employee or agent of the behavioral support services provider.

(8) A behavioral support plan shall contain a documentation system for direct care staff working with the individual to record episodes of the targeted behavior or behaviors. The documentation system shall include a method to record the following information:

(A) Dates and times of occurrences of the targeted behavior.

(B) Length of time the targeted behavior lasted.

(C) Description of what precipitated the targeted behavior.

(D) Description of what activities helped alleviate the targeted behavior.

(E) Signature of staff observing and recording the targeted behavior.

(9) If the use of medication is included in a behavioral support plan, a behavioral support plan shall contain one (1) of the following:

(A) A plan for assessing the use of the medication and the appropriateness of a medication reduction plan by a health care or psychiatric practitioner within the scope of their duties.

(B) Documentation that a medication use reduction plan for the individual was:

- (i) implemented within the past five (5) years; and
- (ii) proved to be not effective.

(10) If a highly restrictive procedure is included in a behavioral support plan, a behavioral support plan shall contain the following:

(A) A functional analysis of the targeted behavior for which a highly restrictive procedure is designed.

(B) Documentation that the risks of the targeted behavior have been weighed against the risk of the highly restrictive procedure.

(C) Documentation that systematic efforts to replace the targeted behavior with an adaptive skill were used and found to be not effective.

(D) Documentation that the individual and the individual's support team agree that the use of the highly

restrictive method is required to prevent significant harm to the individual or others.

(E) Informed consent from the individual or the individual's legal representative.

(F) Documentation that the behavioral support plan is reviewed regularly by the individual's support team including the appropriate health care or psychiatric practitioner.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-18-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 940)*

**460 IAC 1.1-18-3 Written policy and procedure standards**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 3. A provider of behavioral support services shall have written policies and procedures that do the following:

(1) Limit the use of highly restrictive procedures, including physical restraint or medications, to assist in the managing of behavior.

(2) Focus on behavioral supports that begin with less intrusive or restrictive methods before more intrusive or restrictive methods are used.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-18-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 941)*

**460 IAC 1.1-18-4 Documentation standards**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 4. (a) This section applies to all providers of home and community based services and shall not supersede Medicaid statutes, regulations, bulletins, or rules if a conflict is found.

(b) A provider of behavioral support services shall maintain documentation regarding the development of a behavioral support plan that:

(1) the least intrusive method was attempted and exhausted first; and

(2) if a highly restrictive procedure is deemed to be necessary and included in a behavioral support plan, the actions required by section 2 of this rule have been taken.

(c) A provider of behavioral support services shall maintain the following documentation for each individual served:

(1) A copy of the individual's behavioral support assessment.

(2) If applicable, the individual's behavioral support plan.

(3) Dates, times, and duration of each visit with the individual.

(4) A description of the behavioral support activities conducted.

(5) A description of behavioral support progress made.

(6) The signature of the person providing the behavioral support services on each date the behavioral support service is provided.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-18-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 941)*

**460 IAC 1.1-18-5 Level 2 clinician standards**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 5. (a) If a behavioral support plan is developed by a level 2 clinician, the level 2 clinician shall be supervised by a level 1 clinician.

(b) A written approval by a level 1 clinician is required of all behavioral support plans developed by a level 2 clinician.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-18-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 941)*

**460 IAC 1.1-18-6 Implementation of behavioral support plan**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 6. All providers working with an individual shall implement the behavioral support plan designed by the individual's behavioral support services provider and support team under an approved care plan. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-18-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 941)*

**Rule 19. Case Management**

**460 IAC 1.1-19-1 Information concerning an individual**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 1. A provider of case management services shall have the following information about an individual receiving case management services from the provider:

(1) The wants and needs of an individual, including the:

(A) health;

(B) safety;

(C) behavioral needs; and

(D) wishes for self-directed care;

of an individual.

(2) The array of services available to an individual whether the services are available under this article or are otherwise available.

(3) The availability of funding for an individual.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 941)*

**460 IAC 1.1-19-2 Training and orientation**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 2. (a) To become an approved case manager, the individual must attend the required case manager orientation training.

(b) To maintain the BAIHS approval to provide case

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management services under this article, a provider shall complete twenty (20) hours of training regarding case management services in each calendar year.

(c) The training prescribed by subsection (a) shall include at least ten (10) hours of training approved by DDARS.

(d) If the BAIHS identifies a systemic problem with a provider's services, the provider shall obtain training on the topics recommended by the BAIHS and may refer to 460 IAC 1.1-7. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 941*)

### 460 IAC 1.1-19-3 Contact information

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 3. (a) A provider of case management services shall give the individual or the individual's legal representative, if applicable, clear instructions for contacting the provider.

(b) A provider of case management services shall give the individual or the individual's legal representative, if applicable, a summary of information and procedures on whom to contact if the individual needs assistance or has an emergency before or after business hours included in the approved plan of care. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 942*)

### 460 IAC 1.1-19-4 Distribution of information

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 4. A provider of case management services shall ensure that:

- (1) the individual;
- (2) the individual's legal representative, if applicable; and
- (3) all other providers of services to the individual, regardless of whether the services are provided under this article;

have copies of relevant documentation, including information on individual rights, an individual's care plan, how to file complaints with the BAIHS, and requesting appeals concerning issues and disputes relating to the services provided to the individual. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 942*)

### 460 IAC 1.1-19-5 Evaluation of available providers

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 5. (a) A provider of case management services shall provide the individual or the individual's legal representative upon request, if applicable, with the following information:

(1) A current list of providers approved under this article, including a complete description of services offered by each provider.

(2) Information regarding services the individual may need that are not provided under this article.

(3) The current BAIHS information guide for individuals on how to choose a provider.

(b) The provider of case management services shall assist the individual or the individual's legal representative, if applicable, in evaluating potential service providers. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 942*)

### 460 IAC 1.1-19-6 Monitoring of services

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 6. (a) A provider of case management shall monitor and document the quality, timeliness, and appropriateness of the care, services, and products delivered to an individual.

(b) The documentation required under this section shall include an appropriate assessment of the identified needs in the individual's care plan.

(c) The documentation required by this section shall include the following, as applicable:

(1) Any medication administration procedure for the individual.

(2) An individual's behavioral support plan if applicable.

(3) Any health-related unusual occurrence procedure for the individual.

(4) Any side effect monitoring procedure for the individual.

(5) Any seizure management procedure for the individual if applicable.

(6) Any other procedure for the individual implemented by more than one (1) provider as part of the continuum of care.

(d) A provider of case management services shall monitor the services and outcomes established for the individual in the individual's care plan including, but not limited to, the following:

(1) A provider of case management services shall timely follow-up on identified problems.

(2) A provider of case management services shall act immediately to resolve critical issues and crises in accordance with this article.

(3) If concerns with services or outcomes are identified, a provider of case management services shall do the following:

(A) Address the concerns in a timely manner.

(B) Involve all necessary providers and the individual's support team if necessary.

(e) A provider of case management services who is

attempting to resolve a dispute shall follow the dispute resolution procedure described in 460 IAC 1.1-10-8.

(f) No later than thirty (30) days after the implementation of an individual's care plan, unless otherwise specified in the care plan, a provider of case management shall make the first monitoring contact with the individual.

(g) A provider of case management services shall have regular contact in person with the individual as required by the care plan and this section. The provider of case management services shall make at least:

- (1) one (1) contact in person with the individual every ninety (90) days to assess the quality and effectiveness of the care plan and utilize the ninety (90) day checklist; and
- (2) two (2) contacts in person each year in the individual's residence.

(h) If an individual's care plan requires more contact than required by subsection (g), the individual's care plan shall identify the amount of contact a provider of case management services must make with an individual receiving case management services.

(i) If applicable, a provider of case management services shall coordinate the provision of family and caregiver training services. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 942)*

**460 IAC 1.1-19-7 Documentation of services provided**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 7. (a) A provider of case management services shall maintain documentation of each contact with the following:

- (1) An individual or a representative, or both, as identified.
- (2) An individual's providers.

(b) The documentation shall be updated and revised whenever case management services are provided for the individual.

(c) If a provider of case management services visits an individual at the individual's residence, the provider must, if applicable, make their presence known to the provider of environmental and living arrangement supports. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-7; filed Nov 4, 2004, 3:00 p.m.: 28 IR 943)*

**460 IAC 1.1-19-8 Documentation; problem resolution**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 8. (a) A provider of case management services shall document, consistent with 460 IAC 1.1-9, the provider's follow-up and resolution of unusual occurrences.

(b) A provider of case management services shall keep the documentation required in this section in an individual's personal record maintained by the case manager. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-8; filed Nov 4, 2004, 3:00 p.m.: 28 IR 943)*

**460 IAC 1.1-19-9 Conflict of interest**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 9. If a person provides case management services to an individual, then that person shall not provide any other service under this article to that particular individual, or any other individual under the medical Medicaid waivers, unless a waiver is received and approved by the BAIHS. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-19-9; filed Nov 4, 2004, 3:00 p.m.: 28 IR 943)*

**Rule 20. Community Based Sheltered Employment Services**

**460 IAC 1.1-20-1 Staffing requirements**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9  
Affected: IC 12-11-1.1; IC 12-11-2.1

Sec. 1. Community based sheltered employment services shall be provided with a staff ratio that does not exceed eight (8) individuals to one (1) staff member. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-20-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 943)*

**Rule 21. Environmental Modification Supports**

**460 IAC 1.1-21-1 Warranty required**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 1. All environmental modification supports provided to an individual under this rule shall be warranted for at least ninety (90) days. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-21-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 943)*

**460 IAC 1.1-21-2 Documentation required**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

Sec. 2. A provider of environmental modification supports shall maintain the following documentation regarding support provided to an individual:

- (1) The installation date of any adaptive aid or device, assistive technology, or other equipment.
- (2) The maintenance date of any adaptive aid or device, assistive technology, or other equipment.
- (3) A change made to any adaptive aid or device, assistive technology, or other equipment, including any:
  - (A) alteration;
  - (B) correction; or
  - (C) replacement.

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*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-21-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 943)*

### Rule 22. Facility Based Sheltered Employment Services

#### 460 IAC 1.1-22-1 Staffing requirement

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-2.1-12  
Affected: IC 12-11-1.1; IC 12-11-2.1

**Sec. 1. All facility based sheltered employment services shall be provided with a staff ratio that does not exceed twenty (20) individuals to one (1) staff member.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-22-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 944)*

### Rule 23. Family and Caregiver Training Services

#### 460 IAC 1.1-23-1 Requirements for provision of services

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. A person providing family and caregiver training services shall have:**

- (1) education;
- (2) training; or
- (3) experience;

**directly related to the training the person will be providing.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-23-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 944)*

#### 460 IAC 1.1-23-2 Supervision of providers

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. Any person providing family and caregiver training services shall be supervised by the following:**

- (1) The individual whose family members or caregiver is receiving training.
- (2) The provider of case management services to the individual.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-23-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 944)*

### Rule 24. Services

#### 460 IAC 1.1-24-1 Coordination of services and plan

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. (a) The case manager shall create a care plan for the individual that shall:**

- (1) consist of a formal description of goals, objectives, and strategies, including:
  - (A) desired outcomes; and
  - (B) persons responsible for implementation; and
- (2) be designed to enhance independence.

**(b) The provider shall assess the appropriateness of an individual's goals at least once every ninety (90) days as**

**described in 460 IAC 1.1-19 of this article.**

**(c) All providers responsible for providing service to an individual shall:**

- (1) coordinate the services provided to an individual; and
- (2) share documentation regarding the individual's well-being;

**as required by the individual's care plan.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-24-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 944)*

### Rule 25. Health Care Coordination Services

#### 460 IAC 1.1-25-1 Provider of health care coordination services

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. Coordination of the health care for an individual shall be the responsibility of the provider identified in an individual's care plan as responsible for the health care of the individual.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-25-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 944)*

#### 460 IAC 1.1-25-2 Coordination of health care

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. The provider identified in section 1 of this rule shall coordinate the health care received by the individual, including:**

- (1) annual physical, dental, and vision examinations;
- (2) routine examinations;
- (3) routine screenings; and
- (4) referrals to specialists;

**as ordered by the individual's health care practitioner.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-25-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 944)*

#### 460 IAC 1.1-25-3 Documentation of health care services received by an individual

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 3. (a) The provider identified in section 1 of this rule shall maintain a personal file for each individual served.**

**(b) The individual's personal file shall contain the following information:**

- (1) The date of health and medical services provided to the individual.
- (2) A description of the health care or medical services provided to the individual.
- (3) The signature of the person providing the health care or medical service for each date a service is provided.
- (4) Additional information and documentation required in this rule, if applicable, including, but not limited to,

documentation of the following:

- (A) An organized procedure for medication assistance.
- (B) An individual's refusal to take medication.
- (C) Monitoring of medication side effects.
- (D) Seizure tracking.
- (E) Changes in an individual's status.
- (F) An organized procedure of health-related unusual occurrence management.
- (G) If applicable to this provider, an investigation of the death of an individual.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-25-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 944)*

**460 IAC 1.1-25-4 Organized procedure for assisting with medication administration required**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 4. (a) The provider identified in section 1 of this rule shall design an organized procedure of medication administration for the individual.

- (b) The provider shall do the following:
  - (1) Document the procedure in writing.
  - (2) Distribute the document to all providers assisting with medication to the individual.

(c) The document shall be placed in the individual's file maintained by all providers administering medication to the individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-25-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 945)*

**460 IAC 1.1-25-5 Individual's refusal to take medication**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 5. (a) If an individual refuses to take medication, the provider attempting to administer the medication shall do the following:

- (1) Document the following:
  - (A) The name of the medication refused by the individual, if known.
  - (B) The date, time, and duration of the refusal.
  - (C) A description of the provider's response to the refusal.
  - (D) The signature of the person or persons observing the refusal.
- (2) Supply the documentation to the provider identified in section 1 of this rule.

(b) The provider identified in section 1 of this rule shall review the individual's refusal to take medication with the:

- (1) individual's health care practitioner; and
- (2) individual's support team;

to ensure the health and safety of the individual. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-25-*

*5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 945)*

**460 IAC 1.1-25-6 Investigation of death**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

Sec. 6. (a) If an individual dies unexpectedly, an investigation into the death shall be conducted by the provider identified in section 1 of this rule, except as provided in subsection (b).

(b) If the provider identified in section 1 of this rule is a family member of the individual, then the provider of case management services to an individual shall conduct an investigation into the death of the individual.

(c) A provider conducting an investigation into the death of an individual shall meet the following requirements:

- (1) Notify by telephone the BAIHS or its designee central office in Indianapolis not later than twenty-four (24) hours after the death.
- (2) Notify adult protective services or child protection services, as applicable, not later than twenty-four (24) hours after the death.
- (3) Collect, coordinate with all providers, and review documentation of all events and unusual occurrences in the individual's life for at least the thirty (30) day period immediately before the:
  - (A) death of the individual;
  - (B) hospitalization in which the individual's death occurred; or
  - (C) individual's transfer to a nursing home in which death occurred within ninety (90) days of that transfer.
- (4) Document conclusions and make recommendations arising from the investigation.
- (5) Document implementation of any recommendations made under this section no later than fifteen (15) calendar days after the individual's death and send to the BAIHS or its designee the following:
  - (A) A completed notice of an individual's death on a form prescribed by the BAIHS.
  - (B) A final report that includes all documentation required by subdivisions (1) through (5) of this section for review by the division's mortality review committee.

(d) A provider shall respond to any additional requests for information made by the mortality review committee within seven (7) days of the provider's receipt of a request.

(e) A provider shall submit the documentation to the BAIHS to support the provider's implementation of specific recommendations made by the mortality review committee. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-25-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 945)*

(f) A provider shall respond to any additional requests for information made by the mortality review committee within seven (7) days of the provider's receipt of a request.

(g) A provider shall submit the documentation to the BAIHS to support the provider's implementation of specific recommendations made by the mortality review committee. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-25-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 945)*

**Rule 26. Nutritional Counseling Services**

## Final Rules

### 460 IAC 1.1-26-1 Specialized diet program

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. (a)** A provider of nutritional counseling services shall design and document a dining plan for an individual in accordance with the individual's care plan.

**(b)** An individual's dining plan shall include the following:

- (1)** Any special dining needs of an individual.
- (2)** Identification of swallowing difficulties.
- (3)** Identification of risk of aspiration.
- (4)** The need for adaptive equipment.

**(c)** A provider who has designed a dining plan for an individual shall provide assessment and oversight of the following:

- (1)** The dining plan.
- (2)** The person or persons implementing the dining plan.

**(d)** A provider shall follow any specialized diet program designed by the provider of nutritional counseling services to an individual, including any documentation requirements contained in the individual's dining plan. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-26-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 946*)

### Rule 27. Personal Emergency Response System Supports

#### 460 IAC 1.1-27-1 Warranty required

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

**Sec. 1.** All personal emergency response system supports provided to an individual under this rule shall be warranted for at least ninety (90) days by the chosen and approved provider listed in the care plan. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-27-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 946*)

#### 460 IAC 1.1-27-2 Documentation

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

**Sec. 2.** A provider of personal emergency response system supports shall maintain the following documentation regarding support provided to an individual:

- (1)** The installation date of any device.
- (2)** The maintenance date of any device.
- (3)** Testing dates for the device to ensure proper working function.
- (4)** Any change made to any device, including any:
  - (A)** alteration;
  - (B)** correction; or
  - (C)** replacement.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-27-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 946*)

### Rule 28. Physical Environment

#### 460 IAC 1.1-28-1 Environment shall conform to the individual's care plan

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

**Sec. 1.** A provider designated in the individual's care plan as responsible for providing or assisting with environmental and living arrangement support for the individual shall ensure that an individual's physical environment conforms to the requirements of the following:

- (1)** The individual's care plan.
- (2)** This rule.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-28-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 946*)

#### 460 IAC 1.1-28-2 Safety of individual's environment

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. (a)** A provider designated in the individual's care plan as responsible for providing or assisting with environmental and living arrangement support shall provide services in a safe environment that is as follows:

- (1)** Maintained in good repair, inside and out.
- (2)** Free from the following:
  - (A)** Combustible debris.
  - (B)** Accumulated waste material.
  - (C)** Offensive odors.
  - (D)** Rodent or insect infestation.

**(b)** The provider shall ensure the following:

- (1)** An assessment of the individual's environment is conducted every ninety (90) days.
- (2)** The results of the assessment are documented.

**(c)** If an environmental assessment determines that an environment is unsafe for an individual, the provider shall take the appropriate steps to ensure that the individual is safe, including the following, when appropriate:

- (1)** Filing an incident report for any unusual occurrence identified in 460 IAC 1.1-9.
- (2)** Working with the individual and the support team to resolve physical environmental issues.
- (3)** Contacting APS or CPS.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-28-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 946*)

#### 460 IAC 1.1-28-3 Monitoring an individual's environment

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

**Sec. 3.** The provider designated in an individual's care plan as responsible for providing environmental and living arrangement support shall ensure that appropriate devices or home modifications, or both:

- (1)** are provided to the individual in accordance with the

individual's care plan; and

(2) satisfy the federal Americans with Disabilities Act requirements and guidelines.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-28-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 946)*

**460 IAC 1.1-28-4 Compliance of environment with building and fire codes**

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 4. (a) A provider designated in an individual's care plan as responsible for providing environmental and living arrangement support shall ensure that an individual's living areas comply with the requirements of this section.

(b) An individual's living areas shall meet Indiana code and local building requirements for single family dwellings or multiple family dwellings as applicable.

(c) An individual's living areas shall contain a working smoke detector or smoke detectors that are as follows:

- (1) Tested at least once a month.
- (2) Located in areas considered appropriate by the local fire marshal.

(d) An individual's living areas shall follow the requirements of the individual's care plan. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-28-4; filed Nov 4, 2004, 3:00 p.m.: 28 IR 947)*

**460 IAC 1.1-28-5 Safety and security policies and procedures**

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 5. (a) A provider designated in an individual's care plan as responsible for providing environmental and living arrangement support for the individual shall do the following:

- (1) Maintain specific written safety and security policies and procedures for an individual.
- (2) Train all employees or agents in implementing the policies and procedures.

(b) The policies and procedures prescribed by subsection (a) shall include at least the following:

- (1) When and how to notify law enforcement or emergency response agencies in an emergency or crisis.
- (2) Scheduling and completion of evacuation drills.
- (3) Adopting procedures that shall be followed in an emergency or crisis, such as:
  - (A) a tornado;
  - (B) a fire;
  - (C) a behavioral unusual occurrence;
  - (D) an elopement; or
  - (E) inclement weather.

*(Division of Disability, Aging, and Rehabilitative Services; 460*

*IAC 1.1-28-5; filed Nov 4, 2004, 3:00 p.m.: 28 IR 947)*

**460 IAC 1.1-28-6 Safety and security training**

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 6. (a) A provider designated in an individual's care plan as responsible for providing environmental and living arrangement support shall provide training to the:

- (1) provider's employees or agents; and
- (2) individual in the individual's mode of communication; concerning procedures to be followed in an emergency or crisis.

(b) The training prescribed by subsection (a) shall include the following:

- (1) Evacuation procedures.
- (2) Responsibilities during drills.
- (3) The designated meeting place outside the site of service delivery in an emergency requiring evacuation.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-28-6; filed Nov 4, 2004, 3:00 p.m.: 28 IR 947)*

**460 IAC 1.1-28-7 Individual's inability to follow safety and security procedures**

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 7. If an individual is medically or functionally unable to follow procedures for dealing with an emergency or crisis, the provider of environmental and living arrangement support shall document the following in writing:

- (1) That the individual is unable to follow emergency or crisis procedures.
- (2) The provider's plan for support of the individual in an emergency or crisis.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-28-7; filed Nov 4, 2004, 3:00 p.m.: 28 IR 947)*

**460 IAC 1.1-28-8 Emergency telephone numbers**

Authority: IC 12-8-8-4; IC 12-9-2-3

Affected: IC 12-10-1; IC 12-10-10

Sec. 8. (a) A provider designated in an individual's care plan as responsible shall ensure that an emergency telephone number list is located:

- (1) in an area visible from the telephone used by an individual; or
- (2) as indicated in the individual's care plan.

(b) The emergency telephone list shall include the following:

- (1) Information given to the individual by the individual's provider of case management services.
- (2) The local emergency number, for example, 911.
- (3) The telephone number of the individual's legal representative or advocate if applicable.
- (4) Any telephone numbers specified in the individual's

care plan, including, but not limited to, telephone numbers for the following:

- (A) The local area agency on aging office.
- (B) The provider of case management services to the individual.
- (C) Adult protective services or child protection services as applicable.
- (D) The long term care ombudsman.
- (E) DDARS designated complaint number.
- (F) Any other service provider identified in the individual's care plan.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-28-8; filed Nov 4, 2004, 3:00 p.m.: 28 IR 947)*

### **Rule 29. Respite Care Services**

#### **460 IAC 1.1-29-1 Documentation required by all providers**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. (a) A provider of respite care services shall maintain chronological documentation of the services provided for an individual.**

**(b) The documentation shall include, but is not limited to, the following:**

- (1) The date and duration of respite care services provided.**
- (2) The signature of the person providing respite care services.**
- (3) The location and setting where the respite care service was provided.**
- (4) The reason for the respite services.**

**(c) Documentation shall be updated, reviewed, and analyzed whenever respite care services are provided.**  
*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-29-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 948)*

### **Rule 30. Specialized Medical Equipment and Supplies Supports**

#### **460 IAC 1.1-30-1 Warranty required**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. All specialized medical equipment and supplies supports provided to an individual under this rule shall be warranted for at least ninety (90) days.**  
*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-30-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 948)*

#### **460 IAC 1.1-30-2 Documentation required**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. A provider of specialized medical equipment and supplies supports shall maintain the following documenta-**

**tion regarding support provided to an individual:**

- (1) The installation date of any adaptive aid or device, assistive technology, or other equipment.**
- (2) The maintenance date of any adaptive aid or device, assistive technology, or other equipment.**
- (3) Any change made to any adaptive aid or device, assistive technology, or other equipment, including any:**
  - (A) alteration;**
  - (B) correction; or**
  - (C) replacement.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-30-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 948)*

### **Rule 31. Speech-Language Therapy Services**

#### **460 IAC 1.1-31-1 Supervision required**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. Any speech-language pathology aide providing speech-language services under this article shall provide services under the direct supervision of a speech pathologist approved under this article.**  
*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-31-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 948)*

### **Rule 32. Transportation Services**

#### **460 IAC 1.1-32-1 Valid driver's license required**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. A provider of transportation services shall ensure that an individual is transported only by a person who has a valid:**

- (1) operator's license;**
- (2) chauffeur's license;**
- (3) public passenger chauffeur's license; or**
- (4) commercial driver's license;**

**that is issued to the person by an appropriate bureau of motor vehicles to drive the type of motor vehicle for which the license was issued.**  
*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-32-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 948)*

#### **460 IAC 1.1-32-2 Vehicle requirements**

Authority: IC 12-8-8-4; IC 12-9-2-3  
Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. A provider of transportation services shall ensure that an individual is transported only in a vehicle:**

- (1) maintained in good repair;**
- (2) properly registered with a bureau of motor vehicles; and**
- (3) insured as required under Indiana law.**

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-32-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 948)*

**460 IAC 1.1-32-3 Vehicle liability insurance**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 3. (a) A provider of transportation services shall secure sufficient liability insurance for all vehicles:**

- (1) owned or leased by the provider; and
- (2) used for the transportation of an individual receiving services.

**(b) The liability insurance required by subsection (a) shall cover:**

- (1) personal injury;
- (2) loss of life; and
- (3) property damage;

**to an individual if the loss, injury, or damage occurs during the provision of transportation services to the individual by the provider.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-32-3; filed Nov 4, 2004, 3:00 p.m.: 28 IR 949*)

**Rule 33. Code of Ethics**

**460 IAC 1.1-33-1 Applicability**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 1. This rule applies to all home and community based services.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-33-1; filed Nov 4, 2004, 3:00 p.m.: 28 IR 949*)

**460 IAC 1.1-33-2 Code of ethics**

Authority: IC 12-8-8-4; IC 12-9-2-3  
 Affected: IC 12-10-1; IC 12-10-10

**Sec. 2. All providers, in the provision of services under this article, shall abide by the code of ethics in this section. A provider shall do the following:**

- (1) Provide professional services with objectivity and with respect for the unique needs and values of the individual being provided services.
- (2) Avoid discrimination on the basis of factors that are irrelevant to the provision of services, including, but not limited to, the following:
  - (A) Race.
  - (B) Creed.
  - (C) Gender.
  - (D) Age.
  - (E) Disability.
- (3) Provide sufficient objective information to enable an individual, or the individual's guardian, to make informed decisions.
- (4) Accurately present professional qualifications and credentials.
- (5) Accurately present professional qualifications of all employees or agents.
- (6) Require all employees or agents to assume responsibility

and accountability for personal competence in the practice of the person's profession and in the provision of services under this article.

- (7) Require employees or agents to maintain knowledge and skills required for continued professional competence including all requirements necessary for a licensed or accredited professional to maintain the professional's licensure or accreditation.
- (8) Require professional, licensed, or accredited employees or agents to adhere to acceptable standards for the employee or agent's area of professional practice.
- (9) Require employees or agents to comply with all laws and regulations governing a licensed or accredited professional's profession.
- (10) Require all employees or agents to maintain the confidentiality of individual information consistent with the standards of this article and all other laws and regulations governing confidentiality of individual information.
- (11) Require all employees or agents to conduct all practice with honesty, integrity, and fairness.
- (12) Require all employees or agents to fulfill professional commitments in good faith.
- (13) Require all employees or agents to inform the public and colleagues of services by use of factual information.
- (14) Not advertise or market services in a misleading manner.
- (15) Not engage in uninvited solicitation of potential clients who are vulnerable to undue influence, manipulation, or coercion.
- (16) Make reasonable efforts to avoid bias in any kind of professional evaluation.
- (17) Notify the appropriate party, which may include:
  - (A) DDARS;
  - (B) the Indiana state department of health;
  - (C) a licensing authority;
  - (D) an accrediting agency;
  - (E) an employer; and
  - (F) the office of the attorney general, consumer protection division;
- of any unprofessional conduct that may jeopardize an individual's safety or influence the individual or individual's representative in any decision making process.
- (18) Develop a written policy for the prevention of conflict of interest.

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1.1-33-2; filed Nov 4, 2004, 3:00 p.m.: 28 IR 949*)

*LSA Document #03-245(F)*

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*IC 4-22-7-5(c) notice from Secretary of State regarding*

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## Final Rules

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documents incorporated by reference: None received by Publisher

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### TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #03-233(F)

#### DIGEST

Adds 470 IAC 3-18 to establish the eligibility requirements and standards child care providers, who want to participate in the Child Care and Development Fund voucher program, must meet, prior to participation in the Child Care and Development Fund voucher program, in order to be eligible to receive a voucher payment under the Child Care and Development Fund voucher program. Effective 30 days after filing with the secretary of state.

#### 470 IAC 3-18

SECTION 1. 470 IAC 3-18 IS ADDED TO READ AS FOLLOWS:

#### Rule 18. Child Care Development Fund Voucher Program; Provider Eligibility

##### 470 IAC 3-18-1 General definitions

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 1. For the purpose of this rule only, the following definitions apply:

- (1) "Applicant" means the individual who will receive payment from the CCDF program or the individual authorized to sign for a corporation, partnership, or sole proprietor's business.
- (2) "Approved water source" means a municipal water supply or well water supply with documented annual water quality tests indicating the water is free of coliform bacteria and any other known contaminant that is above safe drinking water standards, or demonstrated compliance with Indiana department of environmental management drinking water standards.
- (3) "Caregiver" means an individual who is assigned by a provider the responsibility of supervising or participating in the daily routine of a specific child in the care of the provider.
- (4) "CCDF" means the Child Care and Development Fund program administered under 45 CFR 98.
- (5) "Certification" means a provider has demonstrated compliance with the requirements of this rule.
- (6) "Child" means any individual under eighteen (18) years of age.
- (7) "Child care" means a service to families that provides for the health, safety, and supervision of a child's social, emotional, and educational growth during the time that

children are in the care of a provider.

(8) "Child care program" means the activities provided for children during the time that children are in the care of the provider.

(9) "CPR" means cardiopulmonary resuscitation.

(10) "Decertification" means a CCDF program provider who is no longer eligible to participate.

(11) "Division" means the division of family and children.

(12) "DOT" means the U.S. Department of Transportation.

(13) "Employee" means an individual who performs services for compensation other than an allowance, stipend, or other support under the federal Foster Grandparent Program.

(14) "Facility" means the location where child care is provided.

(15) "Hazardous materials" are those materials defined as hazardous under the rules of the fire prevention and building safety commission.

(16) "Hot water" means water with a temperature of at least one hundred (100) degrees Fahrenheit.

(17) "Inaccessible" means the material shall be stored in a remote area of the facility in a location that is out of a child's reach or maintained in locked storage.

(18) "Ineligible provider" means a provider who fails to meet the requirements of this rule.

(19) "Legally licensed exempt" means a child care program that can operate legally without obtaining a license or registration under IC 12-17.2.

(20) "Poisons" means any material labeled harmful or fatal if swallowed and any prescription or nonprescription medication.

(21) "Provider" means an individual who provides child care services and is directly paid for the provision of child care under the federal CCDF voucher program administered under 45 CFR 98 and 45 CFR 99 regardless of whether the child care facility is licensed or registered.

(22) "Related" means a relationship to an individual who is less than eighteen (18) years of age by marriage, blood, or adoption, including parents, grandparents, brothers, sisters, stepparents, stepgrandparents, stepsisters, stepbrothers, uncles, aunts, and first cousins.

(23) "Supervision" means children shall be within sight and sound of a caregiver at all times including children related to the provider under seven (7) years of age.

(24) "Temporary eligibility" means the provider eligibility period not to exceed forty-five (45) days.

(25) "Valid expiration date" means a fire extinguisher that has been recharged in the previous twelve (12) months or a single use extinguisher that has been purchased in the previous twenty-four (24) months.

(26) "Verifying agency" means the state, an agency of the state, or other entity designated by the state to verify compliance with minimum standards of this rule.

(27) "Volunteer" means an individual who, without compensation, provides services to a provider regardless

of whether the facility is licensed or registered.

(28) “Volunteer caregiver” means an individual who provides or participates in the child care of a specific child without compensation.

(29) “Voucher agent” means the state, an agency of the state, a person, or an entity that contracts with the division to operate any function of the CCDF program.

(30) “Voucher payment” means payment for child care services through the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.

(31) “Voucher program” means the federal CCDF program administered by the state under 42 U.S.C. 9858 et seq., 45 CFR 98, and 45 CFR 99.

(32) “Voucher provider” means a child care provider that has been approved by the division as eligible to receive child care reimbursement through the CCDF program.

*(Division of Family and Children; 470 IAC 3-18-1; filed Oct 14, 2004, 2:50 p.m.: 28 IR 950)*

**470 IAC 3-18-2 Exclusion from participation**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 2. As follows, a provider is ineligible to participate in the CCDF program if the provider:

(1) Has been convicted of a felony or a misdemeanor related to the health or safety of a child.

(2) Allows any person to care for children in the child care facility who has been convicted of a felony or a misdemeanor related to the health or safety of a child.

(3) Has any person over eighteen (18) years of age who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.

(4) Has any person under eighteen (18) years of age and previously waived to adult court who has been convicted of a felony or a misdemeanor related to the health or safety of a child living in the home where child care is being provided.

(5) Fails to meet any of the requirements of this rule.

*(Division of Family and Children; 470 IAC 3-18-2; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

**470 IAC 3-18-3 Fire and smoke detection systems**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 3. (a) A provider providing care in a residential building must have working smoke detectors that meet the standards adopted by rule for licensed child care homes at 470 IAC 3-1.1-46(l).

(b) A provider providing care in a nonresidential building must have fire alarm and suppression systems as required by the applicable rule of the fire prevention and building safety commission. *(Division of Family and Children; 470 IAC*

*3-18-3; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

**470 IAC 3-18-4 Fire extinguishers**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 4. A provider must provide a two and one-half (2½) pound or greater ABC multiple purpose fire extinguisher with valid expiration date that shall be located on each floor of the facility in which child care services are provided and an additional extinguisher located in the kitchen area of the facility. *(Division of Family and Children; 470 IAC 3-18-4; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

**470 IAC 3-18-5 Exits**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 5. (a) As follows, a facility where a provider operates a child care program must have two (2) exits that:

(1) Do not require passage through a garage or storage area where hazardous materials are stored.

(2) Are not windows.

(3) Are on different sides of the facility.

(4) Are not blocked.

(5) Are operable from the inside without the use of a key or any special knowledge using a one-step process.

(6) Have a permanently attached stairway or ramp if not at ground level.

(b) This section does not apply to a provider’s facility where care was being provided and CCDF payments were received prior to June 30, 2002, as long as CCDF health and safety certification has been maintained. *(Division of Family and Children; 470 IAC 3-18-5; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

**470 IAC 3-18-6 Fire drills**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 6. (a) A provider shall conduct a monthly fire drill in accordance with the rules of the fire prevention and building safety commission that includes complete evacuation of all children and adults who provide child care in the facility.

(b) The provider shall maintain documentation of all fire drills conducted during the immediately preceding twelve (12) month period, including the following:

(1) The date and time of the fire drill.

(2) The name of the individual who conducted the fire drill.

(3) The weather conditions at the time of the fire drill.

(4) The amount of time required to fully evacuate the facility.

*(Division of Family and Children; 470 IAC 3-18-6; filed Oct 14, 2004, 2:50 p.m.: 28 IR 951)*

### 470 IAC 3-18-7 Certification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 7. (a) The provider, employee, and volunteer caregivers shall maintain current certification in first aid procedures, provided by a certified trainer or licensed health professional.

(b) The certified first aid procedures shall include the following:

- (1) Control of bleeding.
- (2) Treatment of shock.
- (3) Artificial respiration.
- (4) Treatment for poisoning.
- (5) Procedures for choking.
- (6) Treatment for seizure.

(c) The provider shall ensure that at least one (1) individual is present at all times who maintains annual certification in CPR for all age groups of children receiving care. The CPR certification must meet Journal of American Medical Association (JAMA) standards. *(Division of Family and Children; 470 IAC 3-18-7; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

### 470 IAC 3-18-8 Running water

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 8. (a) The child care facility shall have hot and cold running water from an approved water source from a sink that is available in the area of the facility where the provider operates a child care program.

(b) The provider must notify the verifying agency of any change in water supply immediately. *(Division of Family and Children; 470 IAC 3-18-8; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

### 470 IAC 3-18-9 Telephone service

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 9. (a) The provider shall have at least one (1) working analog landline telephone, or a division approved conversion method for a nonanalog landline telephone, at all times in the facility when care is being provided.

(b) The telephone must be on the premises where care is being provided and accessible to any individual providing care during all operational hours.

(c) The provider must supply the verifying agency with the telephone number for the facility.

(d) The provider must notify the verifying agency immediately of any changes in the telephone service.

(e) The provider must maintain a record of continuous phone service. *(Division of Family and Children; 470 IAC 3-18-9; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

### 470 IAC 3-18-10 Safe environment

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 10. (a) A provider shall provide for a safe environment by ensuring that firearms and ammunition are secured in a locked area, by key or combination, where children cannot gain access.

(b) A provider shall provide for a safe environment by ensuring that poisons, chemicals, bleach, and cleaning materials are stored in areas that are inaccessible to children. *(Division of Family and Children; 470 IAC 3-18-10; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

### 470 IAC 3-18-11 Supervision

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 11. The provider shall ensure that each child in the provider's care shall be continually supervised including children related to the provider under seven (7) years of age. *(Division of Family and Children; 470 IAC 3-18-11; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

### 470 IAC 3-18-12 Emergency plans

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 12. (a) The provider shall have written plans posted in the facility where the provider operates a child care program notifying the parent of the following:

- (1) Illness, serious injury, or death of the provider.
- (2) How care will be provided in an emergency.
- (3) The identity of the person or persons responsible for notifying parents.
- (4) The identity of the person or persons responsible for providing care should the provider be unable to provide care due to an emergency.

(b) The provider must have written emergency evacuation plans posted in the facility where the provider operates a child care program that identify the following:

- (1) Safe shelter in the case of emergency evacuation.
- (2) Safe area or areas for shelter in severe weather.

*(Division of Family and Children; 470 IAC 3-18-12; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952)*

### 470 IAC 3-18-13 Mantoux tuberculin skin test; requirement

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
Affected: IC 12-17.2-3.5

Sec. 13. (a) The following individuals must provide to the verifying agency the results of an intradermal tuberculin

skin test with documented results prior to residence, employment, or volunteer service:

- (1) The provider.
- (2) All individuals eighteen (18) years of age or older residing in the home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) An individual with a history of latent or active tuberculosis shall provide documentation of an annual health assessment by a physician reflecting the results of symptom screening. (*Division of Family and Children; 470 IAC 3-18-13; filed Oct 14, 2004, 2:50 p.m.: 28 IR 952*)

**470 IAC 3-18-14 Criminal history information**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
 Affected: IC 12-17.2-3.5; IC 12-17.2-4-35; IC 12-17.2-5-35

Sec. 14. (a) The provider shall, at the provider's expense, provide the verifying agent a statewide criminal history dated within sixty (60) days prior to receipt of initial application by the verifying agency or hire date for the following:

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided or individuals less than eighteen (18) years of age living in the home, if that individual has been waived from juvenile to adult court.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) A provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer caring for children at the facility or no longer resides with the provider, if an individual for whom a limited criminal history is required under this section has been convicted of any of the following:

- (1) A felony.
- (2) A misdemeanor related to the health or safety of a child.
- (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (4) A misdemeanor for operating child care home without a license under IC 12-17.2-5-35.

(c) As follows, the provider that meets the other eligibility requirements of this rule is temporarily eligible to receive voucher payments even though the provider has not provided the criminal history required under this rule from the state police department if:

- (1) The provider has applied for the limited criminal history required under this rule.
- (2) The provider obtains a local criminal history for the individuals described in this rule.
- (3) The local criminal history does not reveal that an individual has been convicted of any of the following:
  - (A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) The provider is ineligible to receive a voucher payment until the individual is dismissed from employment and no longer cares for children at the facility or no longer resides with the provider, if an individual for whom a local criminal history is required under this section has been convicted of any of the following:

- (1) A felony.
- (2) A misdemeanor related to the health or safety of a child.
- (3) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (4) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(e) The provider shall report to the verifying agency any of the following information not listed on the criminal history or changes to the criminal history for all persons required by this rule to provide a statewide criminal history:

- (1) Police investigations.
- (2) Arrests.
- (3) Criminal convictions.

(f) The provider shall maintain a written policy requiring an individual providing a criminal history to report any criminal convictions to the provider. (*Division of Family and Children; 470 IAC 3-18-14; filed Oct 14, 2004, 2:50 p.m.: 28 IR 953*)

**470 IAC 3-18-15 Drug testing**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
 Affected: IC 12-17.2-3.5

Sec. 15. (a) The provider shall, at no expense to the verifying agency, provide to the verifying agency a copy of drug testing results for the following:

- (1) The provider.
- (2) All individuals at least eighteen (18) years of age living in a home where child care is provided.
- (3) All employees and volunteer caregivers at the facility where child care is provided.

(b) If the test results provided under this section indicate the presence of an illegal controlled substance, the provider is ineligible to receive voucher payments until the individual is suspended or dismissed from employment, no longer cares for children at the facility, or no longer resides with the provider.

(c) The provider shall maintain a written policy providing for reinstatement of a suspended individual following

rehabilitation and drug testing results that are negative for illegal controlled substances.

(d) Drug tests must meet the following criteria:

(1) Urine panel that tests for amphetamines, cocaine, opiates, phencyclidine, and THC metabolites.

(2) Urine collection that is consistent with chain of custody guidelines established by the DOT.

(3) Specimen processing by a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).

(4) Evaluation of urine panel results by a certified medical review officer using positive cutoffs established by the DOT.

(5) Completed no more than sixty (60) days prior to receipt of initial application by the verifying agency or employee hire date.

(6) Employees hired prior to July 1, 2002, may provide drug test results that have been completed after July 1, 2002, or no more than sixty (60) days prior to employment.

(e) The provider shall perform or submit to a random drug testing program on a protocol established by or approved by the division.

(f) The division may require the provider to perform additional drug testing.

(g) The verifying agency shall keep drug test results confidential and will not use drug test results for any other purpose other than for this rule. (*Division of Family and Children; 470 IAC 3-18-15; filed Oct 14, 2004, 2:50 p.m.: 28 IR 953*)

#### 470 IAC 3-18-16 State central registry check

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5; IC 31-33-17-6

Sec. 16. (a) The provider must provide evidence that the following individuals have not been named in the state central registry identified at IC 31-33-17-6(7):

(1) The provider.

(2) All individuals at least eighteen (18) years of age living in a home where child care is provided.

(3) All employees and volunteer caregivers at the facility where child care is provided.

(b) If information obtained by the verifying agency indicates that an individual has been named in the state central registry, the provider is ineligible to receive voucher payment until the individual named in the state central registry:

(1) is dismissed from employment with the provider;

(2) no longer cares for children at the facility; or

(3) no longer resides with the provider.

(*Division of Family and Children; 470 IAC 3-18-16; filed Oct*

*14, 2004, 2:50 p.m.: 28 IR 954*)

#### 470 IAC 3-18-17 Immunization records

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 17. (a) The provider shall maintain and annually update documentation provided by a health care professional for each child who is cared for in a facility indicating that the child has received complete age appropriate immunizations as determined by the state department of health including the following:

(1) Conjugated pneumococcal vaccine.

(2) Varicella vaccine or a demonstrated immunity to varicella.

(b) The provider's records must include the following:

(1) A current list of all children cared for at the facility.

(2) The child's date of birth.

(3) The month, day, and year of each immunization received or:

(A) a written statement from the child's physician, updated annually, stating a medical reason the child should not be immunized; or

(B) written documentation, updated annually, that the parent objects to immunizations for religious reasons.

(c) The documentation required by this section shall be made available to the verifying agency. (*Division of Family and Children; 470 IAC 3-18-17; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954*)

#### 470 IAC 3-18-18 Tobacco and substance policy

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 18. (a) A provider, other than a child care center or child care ministry, shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

(1) Tobacco.

(2) Alcohol.

(3) A potentially toxic substance in a manner other than the substance's intended purpose.

(4) An illegal substance or the possession of an illegal substance.

(b) A provider that is a child care center or child care ministry shall have a written policy prohibiting the use of the following in the facility where the provider operates a child care program when child care is being provided:

(1) Tobacco.

(2) Alcohol or the possession of alcohol.

(3) A potentially toxic substance in a manner other than the substance's intended purpose.

(4) An illegal substance or the possession of an illegal substance.

*(Division of Family and Children; 470 IAC 3-18-18; filed Oct 14, 2004, 2:50 p.m.: 28 IR 954)*

**470 IAC 3-18-19 Records**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
 Affected: IC 12-17.2-3.5

Sec. 19. The provider shall maintain the following records and documents at the facility, which shall be made available to the verifying agency upon request:

- (1) A current list of all persons living in a child care home.
- (2) A current list of all employees and volunteer caregivers.
- (3) Staff records.
- (4) Drug test results.
- (5) A Mantoux tuberculin test or tuberculin screening, or both, if appropriate.
- (6) Statewide criminal history checks.
- (7) Current first aid certification.
- (8) State central registry results.
- (9) Annual age appropriate CPR certification.
- (10) A signed tobacco/substance policy.
- (11) A signed criminal history policy.
- (12) A written drug testing policy.
- (13) A current list of all children cared for at the facility.
- (14) Children's emergency contact information.
- (15) Children's immunization records updated annually.
- (16) Emergency assistance telephone numbers near a telephone, including the following:
  - (A) Police.
  - (B) Fire.
  - (C) Ambulance.
  - (D) Poison control.
- (17) A posted record of monthly fire drills.
- (18) A written and posted plan for notification of serious injury/death of a provider.
- (19) A written and posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.
- (20) A record of continuous telephone service.
- (21) A record of an annual water quality test, if applicable.

*(Division of Family and Children; 470 IAC 3-18-19; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)*

**470 IAC 3-18-20 Application**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
 Affected: IC 12-17.2-3.5

Sec. 20. (a) A provider must complete the application process prior to participation in the CCDF voucher program.

(b) The provider must apply on forms provided by the verifying agency.

(c) The provider must submit the required information as part of the application.

(d) The provider must submit the information required

under this rule to the verifying agency as part of the application process.

(e) The provider must apply annually to continue participation in the CCDF program.

(f) The provider remains eligible to participate in the CCDF program when the provider submits a timely application to renew participation, unless the division issues a notice of order terminating the provider participation in the CCDF program. *(Division of Family and Children; 470 IAC 3-18-20; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)*

**470 IAC 3-18-21 Incomplete application**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
 Affected: IC 12-17.2-3.5

Sec. 21. (a) The verifying agency will not act upon an incomplete application.

(b) The verifying agency shall return an incomplete application with a notation as to omissions.

(c) The return of an incomplete application shall be without prejudice. *(Division of Family and Children; 470 IAC 3-18-21; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955)*

**470 IAC 3-18-22 Inspections**

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15  
 Affected: IC 12-17.2-3.5

Sec. 22. (a) The verifying agency shall conduct at least an annual inspection of the facility for any provider applying for participation in the CCDF voucher program.

(b) An announced or unannounced inspection shall be conducted any time during the facility's hours of operation.

(c) Activities may include on-site inspections, record review, observation, and interviews.

(d) The verifying agency shall require that evidence of compliance with this rule be presented in a form and manner specified by this rule.

(e) The CCDF program provider shall maintain and make available verification of the following:

- (1) A current list of all employees and individuals providing care.
- (2) A current list of all persons living in a child care home.
- (3) A current list of all children cared for at the facility.
- (4) Records documenting that all employees and volunteer caregivers have complied with the requirements of this rule.
- (5) Records documenting that all household members have complied with the requirements of this rule.
- (6) Parent or custodial adult contact information for each child in the provider's care.

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(7) Records documenting that all children have received complete age appropriate immunizations.

(8) Emergency assistance telephone numbers posted near the telephone that include the following:

- (A) Police.
- (B) Fire.
- (C) Ambulance.
- (D) Poison control.

(9) Documentation that water is from an approved water source.

(10) Records of continuous phone service.

(11) A posted record of monthly fire drills.

(12) A posted plan for notification of serious injury/death of a provider.

(13) A posted plan for emergency evacuation or shelter route or routes in case of fire or severe weather.

(f) Failure of a provider to allow the verifying agency access to their facility may result in a denial or decertification from the CCDF program. (*Division of Family and Children; 470 IAC 3-18-22; filed Oct 14, 2004, 2:50 p.m.: 28 IR 955*)

### 470 IAC 3-18-23 Denial of application

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 4-21.5-3; IC 12-17.2-3.5

Sec. 23. (a) The division shall deny an application when an applicant fails to meet the requirements of this rule.

(b) The division shall provide written notification of denial in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the denial.

(c) An administrative hearing concerning the denial shall be provided upon written request by the applicant.

(d) A request for an administrative hearing for a denial must be made prior to the effective date of the order.

(e) The administrative hearing shall be scheduled within sixty (60) calendar days of the written request.

(f) The administrative hearing shall be held in accordance with 470 IAC 1-4.

(g) The division shall issue a decision within sixty (60) calendar days after the conclusion of the hearing. (*Division of Family and Children; 470 IAC 3-18-23; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956*)

### 470 IAC 3-18-24 Grounds for denial

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 24. Any of the following constitute sufficient grounds for a denial of an application:

(1) A failure to meet any of the requirements of this rule.

(2) A failure to allow the verifying agency access to the provider's facility during normal business hours.

(3) A determination by the division that the applicant made false statements in the provider's application for participation in the CCDF program.

(4) A determination by the division that the applicant made false statements in the applicant's records required by the division.

(*Division of Family and Children; 470 IAC 3-18-24; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956*)

### 470 IAC 3-18-25 Maintenance of compliance and insufficiencies

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

Sec. 25. (a) The provider shall maintain compliance with the requirements of this rule.

(b) A provider determined to be not in compliance with this rule may be given up to twenty-one (21) calendar days by the division to correct the insufficiency.

(c) The provider's failure to document compliance within the prescribed time shall result in denial or decertification of the provider's participation in the CCDF program. (*Division of Family and Children; 470 IAC 3-18-25; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956*)

### 470 IAC 3-18-26 Decertification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 4-21.5-3; IC 12-17.2-3.5

Sec. 26. (a) The division shall decertify CCDF participation when a provider fails to comply with the requirements of this rule.

(b) The division shall provide the provider written notification of decertification in the form of a notice of order in accordance with IC 4-21.5-3 stating the reason or reasons for the decertification.

(c) An administrative hearing concerning the revocation shall be provided upon written request by the applicant.

(d) A request for an administrative hearing for a decertification must be made prior to the effective date of the order.

(e) The administrative hearing shall be scheduled within sixty (60) calendar days after receiving the written request.

(f) The administrative hearing shall be held in accordance with 470 IAC 1-4. (*Division of Family and Children; 470 IAC 3-18-26; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956*)

### 470 IAC 3-18-27 Grounds for decertification

Authority: IC 12-13-5-3; IC 12-17.2-3.5-15

Affected: IC 12-17.2-3.5

**Sec. 27. Any of the following constitute sufficient grounds for decertification as a CCDF program provider:**

- (1) Failure to meet any of the requirements of this rule.
- (2) Failure to allow the verifying agency access to the facility during normal business hours.
- (3) A determination by the division that the applicant made false statements in the applicant's application for certification.
- (4) A determination by the division that the applicant made false statements in the applicant's records required by the division.
- (5) Failure to correct an insufficiency within the prescribed time.
- (6) Multiple insufficiencies regardless of whether they were corrected within the prescribed time.

*(Division of Family and Children; 470 IAC 3-18-27; filed Oct 14, 2004, 2:50 p.m.: 28 IR 956)*

*LSA Document #03-233(F)*

*Notice of Intent Published: September 1, 2003; 26 IR 3907*

*Proposed Rule Published: February 1, 2004; 27 IR 1627*

*Hearing Held: February 26, 2004; March 2, 2004; AND March 4, 2004*

*Approved by Attorney General: October 5, 2004*

*Approved by Governor: October 13, 2004*

*Filed with Secretary of State: October 14, 2004, 2:50 p.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: 45 CFR 98; 45 CFR 99.*

**TITLE 511 INDIANA STATE BOARD OF EDUCATION**

LSA Document #04-22(F)

**DIGEST**

Amends 511 IAC 6.1-5.1-10.1 to add new courses to the approved list of high school courses in agricultural science. Effective 30 days after filing with the secretary of state.

**511 IAC 6.1-5.1-10.1**

SECTION 1. 511 IAC 6.1-5.1-10.1, AS AMENDED AT 27 IR 3501, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

**511 IAC 6.1-5.1-10.1 Vocational-technical courses**

**Authority:** IC 20-1-1-6; IC 20-1-1.2-18

**Affected:** IC 20-10.1

Sec. 10.1. (a) The following courses may be offered in the vocational-technical area of study:

- (1) The following agricultural science and business courses:
  - (A) Fundamentals of agricultural science and business.
  - (B) The following agricultural business courses:
    - (i) Agribusiness management.

- (ii) Agricultural mechanization.
- (iii) Farm management.
- (iv) Landscape management.
- (v) Natural resource management.
- (vi) Supervised agricultural experience.
- (C) The following agricultural science courses:
  - (i) Animal science.
  - (ii) Food science.
  - (iii) Horticultural science.
  - (iv) Plant and soil science.
  - (v) **Advanced life science: animals (L).**
  - (vi) **Advanced life science: plants and soils (L).**
  - (vii) **Advanced life science: foods (L).**
- (2) The following business services and technology education courses:
  - (A) Career planning and success skills.
  - (B) The following business services and technology education laboratory courses:
    - (i) Business technology lab I.
    - (ii) Business technology lab II.
    - (iii) Business management and finance.
    - (iv) Computer operations and/or programming.
    - (v) Computerized accounting services.
    - (vi) Information technology network systems.
    - (vii) Information technology information support and services.
    - (viii) Information technology programming and software development.
    - (ix) Information technology interactive media.
  - (C) Business cooperative experiences (cooperative/related).
- (3) The following health careers education courses:
  - (A) The following health careers education core courses:
    - (i) Introduction to health care systems.
    - (ii) Integrated health sciences I.
    - (iii) Integrated health sciences II.
    - (iv) Introduction to dental health careers.
  - (B) The following health careers education skill courses:
    - (i) Health careers I.
    - (ii) Health careers II.
    - (iii) Health careers III.
    - (iv) Introduction to medical assisting.
    - (v) Introduction to health care specialties.
    - (vi) Introduction to community health services.
    - (vii) Introduction to pharmacy.
    - (viii) Introduction to physical therapy.
    - (ix) Introduction to health care technology.
    - (x) Introduction to emergency medical services.
    - (xi) Dental assisting I, II, III, and IV.
  - (C) The following health occupations, other courses:
    - (i) Medical terminology.
    - (ii) Anatomy and physiology.
  - (D) Health career practicum (extended lab/related).
- (4) The following one (1) semester family and consumer sciences courses:
  - (A) Orientation to life and careers.

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- (B) Nutrition and wellness.
  - (C) Child development and parenting.
  - (D) Interpersonal relationships.
  - (E) Adult roles and responsibilities.
  - (F) Consumer economics.
  - (G) Chemistry of foods.
  - (H) Advanced foods and nutrition.
  - (I) Advanced child development.
  - (J) Human development and family wellness.
  - (K) Housing and interiors.
  - (L) Textiles and fashion technologies.
  - (M) Family and consumer sciences issues and applications.
- (5) The following one (1) year occupational family and consumer sciences courses:
- (A) The following early childhood education and services courses:
    - (i) Early childhood education and services I.
    - (ii) Early childhood education and services II.
  - (B) The following apparel and textile occupations courses:
    - (i) Apparel and textile occupations I.
    - (ii) Apparel and textile occupations II.
  - (C) The following food industry occupations courses:
    - (i) Food industry occupations I.
    - (ii) Food industry occupations II.
  - (D) The following housing occupations courses:
    - (i) Housing occupations I.
    - (ii) Housing occupations II.
  - (E) The following residential and institutional facilities and equipment courses:
    - (i) Residential and institutional facilities and equipment I.
    - (ii) Residential and institutional facilities and equipment II.
  - (F) The following human services occupations courses:
    - (i) Human services I.
    - (ii) Human services II.
  - (G) The following cooperative occupational family and consumer sciences courses:
    - (i) Cooperative occupational family and consumer sciences I.
    - (ii) Cooperative occupational family and consumer sciences II.
- (6) The following trade and industrial education courses:
- (A) Aerospace engineering technology.
  - (B) Aircraft operations.
  - (C) Appliance technology.
  - (D) Automotive collision repair technology.
  - (E) Automotive services technology.
  - (F) Aviation maintenance technology.
  - (G) Aviation support operations.
  - (H) Biotechnical engineering.
  - (I) Building facilities and management.
  - (J) Building trades technology.
  - (K) Cabinet and furniture manufacturing.
  - (L) Civil-architectural engineering.
  - (M) Commercial art and graphic design.
  - (N) Commercial photography.
  - (O) 3D computer animation and visualization.
  - (P) Computer integrated manufacturing.
  - (Q) Computer network technology.
  - (R) Computer repair and maintenance technology.
  - (S) Cosmetology.
  - (T) Diesel service technology.
  - (U) Digital electronics technology.
  - (V) Drafting and computer aided design (CAD).
  - (W) Electronics technology.
  - (X) Engineering.
  - (Y) Fire science.
  - (Z) Graphic imaging technology.
  - (AA) Heating, ventilation, air conditioning, and refrigeration (HVACR).
  - (BB) Industrial repair and maintenance.
  - (CC) Law enforcement.
  - (DD) Plastics technology.
  - (EE) Precision machine technology.
  - (FF) Recreational and portable power equipment.
  - (GG) Tractor/trailer operation.
  - (HH) Welding technology.
- (II) The following industrial cooperative training courses:
- (i) Related instruction.
  - (ii) On-the-job training.
- (7) The following interdisciplinary cooperative education courses:
- (A) Related instruction.
  - (B) On-the-job training.
- (8) The following marketing education courses:
- (A) The following marketing courses:
    - (i) Marketing foundations.
    - (ii) Marketing, advanced (related).
  - (B) The following specialized marketing education courses:
    - (i) Entrepreneurship.
    - (ii) Fashion merchandising.
    - (iii) Financial services marketing.
    - (iv) Hospitality, travel, and tourism.
    - (v) Marketing seminar.
    - (vi) Sports, recreation, and entertainment marketing.
    - (vii) Radio-TV broadcasting/telecommunications.
  - (C) Marketing field experiences (cooperative).
- (b) All of the courses listed in subsection (a) must also meet the requirements of 511 IAC 8.
- (c) Schools may qualify their family and consumer sciences programs for vocational status by meeting the following additional requirements:
- (1) A minimum offering for vocational family and consumer sciences consists of teaching orientation to life and careers or interpersonal relationships every year and teaching at least four (4) additional courses from the following:
    - (A) Nutrition and wellness.
    - (B) Interpersonal relationships.
    - (C) Child development and parenting or human develop-

- ment and family wellness.
- (D) Adult roles and responsibilities.
- (E) Consumer economics.
- (F) Orientation to life and careers.

This minimum offering must be taught within any consecutive two (2) year time period.

(2) A major in vocational family and consumer sciences education consists of at least six (6) credits, including three

(3) of the following:

- (A) Orientation to life and careers.
- (B) Adult roles and responsibilities.
- (C) Nutrition and wellness.
- (D) Child development and parenting or human development and family wellness.
- (E) Interpersonal relationships.

(3) A minor in vocational family and consumer sciences consists of at least four (4) credits from the following:

- (A) Child development and parenting or human development and family wellness.
- (B) Nutrition and wellness.
- (C) Orientation to life and careers.
- (D) Adult roles and responsibilities.
- (E) Consumer economics.
- (F) Interpersonal relationships.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-10.1; filed Jul 12, 1993, 10:00 a.m.: 16 IR 2854, eff Jul 1, 1993 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-143 was filed Jul 12, 1993.]; filed May 28, 1998, 4:57 p.m.: 21 IR 3827; errata filed Aug 17, 1998, 10:21 a.m.: 22 IR 127; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1143; filed Jun 30, 2004, 1:45 p.m.: 27 IR 3501; filed Nov 4, 2004, 9:00 a.m.: 28 IR 957)*

*LSA Document #04-22(F)  
 Notice of Intent Published: March 1, 2004; 27 IR 1938  
 Proposed Rule Published: May 1, 2004; 27 IR 2550  
 Hearing Held: June 3, 2004  
 Approved by Attorney General: October 20, 2004  
 Approved by Governor: October 29, 2004  
 Filed with Secretary of State: November 4, 2004, 9:00 a.m.  
 IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

**TITLE 511 INDIANA STATE BOARD OF EDUCATION**

LSA Document #04-36(F)

**DIGEST**

Amends 511 IAC 6-7-6.5 to make technical corrections.  
 Amends 511 IAC 6.1-5.1-2 through 511 IAC 6.1-5.1-6, 511 IAC

6.1-5.1-8, and 511 IAC 6.1-5.1-9, the lists of approved high school courses, by adding new science and social studies courses, deleting certain courses, creating separate course titles for advanced placement and college credit courses, changing foreign language to world language as the title for that course area, and creating a consistent format across course areas. Effective 30 days after filing with the secretary of state.

- |                          |                          |
|--------------------------|--------------------------|
| <b>511 IAC 6-7-6.5</b>   | <b>511 IAC 6.1-5.1-5</b> |
| <b>511 IAC 6.1-5.1-2</b> | <b>511 IAC 6.1-5.1-6</b> |
| <b>511 IAC 6.1-5.1-3</b> | <b>511 IAC 6.1-5.1-8</b> |
| <b>511 IAC 6.1-5.1-4</b> | <b>511 IAC 6.1-5.1-9</b> |

SECTION 1. 511 IAC 6-7-6.5 IS AMENDED TO READ AS FOLLOWS:

**511 IAC 6-7-6.5 Academic honors diploma; additional course requirements**

**Authority:** IC 20-1-1-6  
**Affected:** IC 20-5-2-1.1

Sec. 6.5. (a) To be eligible for an academic honors diploma, a student must complete a minimum of forty-seven (47) high school credits. The following areas and courses are required:

- |                                       |                |
|---------------------------------------|----------------|
| (1) Language arts                     | 8 credits      |
| (2) Social studies                    | 6 credits      |
| (3) Mathematics                       | 8 credits      |
| (4) Science                           | 6 credits      |
| (5) <del>Foreign World</del> language | 6 or 8 credits |
| (6) Fine arts                         | 2 credits      |
| (7) Health and safety                 | 1 credit       |
| (8) Basic physical education          | 1 credit       |

(b) In addition to the minimum course requirements prescribed in section 6 of this rule, courses counting toward an academic honors diploma are subject to the following requirements:

- (1) Language arts credits must include **the following:**
  - (A) Literature.
  - (B) Composition. ~~and~~
  - (C) Speech.
- (2) In addition to required courses in government and United States history, social studies credits must include courses with a major emphasis on economics and geography or world history.
- (3) Mathematics credits must include **the following:**
  - (A) Geometry and algebra II or integrated mathematics II and integrated mathematics III. ~~and~~
  - (B) At least one (1) upper level mathematics course from those listed in ~~511 IAC 6.1-5.1-5(2)(H) through 511 IAC 6.1-5.1-5(2)(M)~~ **511 IAC 6.1-5.1-5(3)** or a program of equal rigor. If a student has completed a junior high school curriculum that is equivalent to **high** school algebra I and is placed in high school algebra II or a junior high curriculum that is equivalent to integrated mathematics I and is placed in high school integrated mathematics II, that student must earn only six (6) high school mathematics credits.

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(4) Science credits must include **the following**:

- (A) Two (2) credits in biology.
- (B) Two (2) credits in:
  - (i) chemistry;
  - (ii) physics; or
  - (iii) integrated chemistry-physics.
- (C) Two (2) additional credits from:
  - (i) chemistry, physics, earth and space science, advanced biology, advanced chemistry, advanced environmental science, or advanced physics; or
  - (ii) a program of equal rigor.

(5) **Foreign World** language credits must include:

- (A) six (6) credits in one (1) language; or
- (B) four (4) credits in one (1) language and four (4) in another.

If a student has completed a junior high school curriculum that is equivalent to a Level I high school **foreign world** language and is placed in a Level II high school **foreign world** language, that student must earn only four (4) credits in that language or two (2) credits in that language and four (4) credits in another **foreign world** language.

(6) Only courses that have been approved by the department on recommendation of a review committee and in which a student has earned a grade of "C" or above may count toward an academic honors diploma. A student must have a grade point average of "B" or above.

(c) The school corporation shall note the awarding of an academic honors diploma on the student's grade transcript.

(d) The school corporation shall inform students, parents, and guardians of the availability of an academic honors diploma. (*Indiana State Board of Education; 511 IAC 6-7-6.5; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1697; errata, 10 IR 2303; filed Oct 6, 1997, 5:20 p.m.: 21 IR 387; filed Sep 25, 1998, 4:50 p.m.: 22 IR 440; filed Jun 17, 2003, 9:05 a.m.: 26 IR 3646; filed Nov 4, 2004, 9:06 a.m.: 28 IR 959*)

SECTION 2. 511 IAC 6.1-5.1-2 IS AMENDED TO READ AS FOLLOWS:

### **511 IAC 6.1-5.1-2 Language arts courses**

**Authority:** IC 20-1-1-6; IC 20-1-1.2-18

**Affected:** IC 20-10.1

Sec. 2. The following courses may be offered in the language arts area of study:

(1) The following integrated English courses:

- (A) English 9.
- (B) English 10.
- (C) English 11.
- (D) English 12.
- (E) Language arts lab.
- (F) English as a new language.

(2) The following literature studies courses:

- (A) American literature.

- (B) Biblical literature.
- (C) Biographies.
- (D) Classical literature.
- (E) Dramatic literature.
- (F) English literature.
- (G) Ethnic literature.
- (H) Film literature.
- (I) Genres of literature.
- (J) Indiana literature.
- (K) Literary movements.
- (L) Novels.
- (M) Poetry.
- (N) Short stories.
- (O) Themes in literature.
- (P) Twentieth century literature.
- (Q) World literature.
- (R) Contemporary literature.
- (S) English literature and composition, advanced placement. ~~or college credit.~~

(3) The following language studies courses:

- (A) Etymology.
- (B) Grammar.
- (C) Linguistics.
- (D) English language and composition, advanced placement. ~~or college credit.~~

(4) The following speech studies courses:

- (A) Debate.
- (B) Advanced speech and communications.
- (C) Group discussion.
- (D) Speech.

(5) The following media studies courses:

- (A) Journalism.
- (B) Library media.
- (C) Mass media.
- (D) Student publications.

(6) The following composition studies courses:

- (A) Composition.
- (B) Creative writing.
- (C) Expository writing.
- (D) Technical communication.
- (E) Advanced composition.

(7) The following reading courses:

- (A) Developmental reading.
- (B) Language arts lab.

**(8) Advanced English/language arts, college credit.**

(*Indiana State Board of Education; 511 IAC 6.1-5.1-2; filed Nov 8, 1990, 3:05 p.m.: 14 IR 655; filed Nov 4, 1999, 10:08 a.m.: 23 IR 566, eff Jul 1, 2000; filed Nov 4, 2004, 9:06 a.m.: 28 IR 960*)

SECTION 3. 511 IAC 6.1-5.1-3 IS AMENDED TO READ AS FOLLOWS:

### **511 IAC 6.1-5.1-3 Social studies courses**

**Authority:** IC 20-1-1-6; IC 20-1-1.2-18

**Affected:** IC 20-10.1

Sec. 3. The following courses may be offered in the social studies area of study:

- (1) African studies.
- (2) Anthropology.
- (3) Applied economics.
- (4) Asian studies.
- (5) Citizenship and civics.
- (6) Consumer economics.
- (7) Current problems, issues, and events.
- (8) Economics.
- (9) Ethnic studies.
- (10) Indiana studies.
- (11) International relations.
- (12) Introduction to social science.
- (13) Latin American studies.
- (14) Law education.
- (15) Modern world civilization.
- (16) Political science.
- (17) Psychology.
- (18) Sociology.
- (19) State and local government.
- (20) Topics in history.
- (21) United States government.
- (22) United States history.
- (23) Urban affairs.
- (24) World geography.
- (25) World history and civilization.
- (26) Comparative government and politics, advanced placement or college credit.
- (27) Economics, advanced placement or college credit.
- (28) European history, advanced placement or college credit.
- (29) Psychology, advanced placement or college credit.
- (30) Topics in social science.
- (31) United States government and politics, advanced placement or college credit.
- (32) United States history, advanced placement or college credit.

- (1) **The following economics courses:**
  - (A) Applied economics.
  - (B) Consumer economics.
  - (C) Economics.
  - (D) Macroeconomics, advanced placement.
  - (E) Microeconomics, advanced placement.
- (2) **The following geography courses:**
  - (A) Human geography, advanced placement.
  - (B) World geography.
  - (C) Geography and history of the world.
  - (D) Advanced world geography, college credit.
- (3) **The following government and politics courses:**
  - (A) Citizenship and civics.
  - (B) International relations.
  - (C) Political science.
  - (D) State and local government.
  - (E) Law education.
  - (F) United States government.

- (G) Comparative government and politics, advanced placement.
- (H) United States government and politics, advanced placement.
- (4) **The following history courses:**
  - (A) Modern world civilization.
  - (B) Topics in history.
  - (C) United States history.
  - (D) World history and civilization.
  - (E) European history, advanced placement.
  - (F) United States history, advanced placement.
  - (G) World history, advanced placement.
- (5) **The following regional studies courses:**
  - (A) African studies.
  - (B) Asian studies.
  - (C) Latin American studies.
- (6) **The following special topics in social sciences courses:**
  - (A) Current problems, issues, and events.
  - (B) Ethnic studies.
  - (C) Indiana studies.
  - (D) Introduction to social science.
  - (E) Urban affairs.
  - (F) Advanced social sciences, college credit.
- (7) **The following other social sciences courses:**
  - (A) Anthropology.
  - (B) Psychology.
  - (C) Psychology, advanced placement.
  - (D) Sociology.
  - (E) Topics in social science.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-3; filed Nov 8, 1990, 3:05 p.m.; 14 IR 655; filed Nov 4, 1999, 10:08 a.m.; 23 IR 567, eff Jul 1, 2000; filed Nov 4, 2004, 9:06 a.m.; 28 IR 960)*

SECTION 4. 511 IAC 6.1-5.1-4 IS AMENDED TO READ AS FOLLOWS:

**511 IAC 6.1-5.1-4 World language courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18  
Affected: IC 20-10.1

Sec. 4. The following courses may be offered in the foreign world language area of study:

- (1) The following French courses:
  - (A) French I.
  - (B) French II.
  - (C) French III.
  - (D) French IV.
  - (E) French V.
  - (F) French VI.
  - (G) French language, advanced placement. or college credit.
  - (H) French literature, advanced placement.
- (2) The following German courses:
  - (A) German I.
  - (B) German II.

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- (C) German III.
- (D) German IV.
- (E) German V.
- (F) German VI.
- (G) German **language**, advanced placement. ~~or college credit.~~
- (3) The following Spanish courses:
  - (A) Spanish I.
  - (B) Spanish II.
  - (C) Spanish III.
  - (D) Spanish IV.
  - (E) Spanish V.
  - (F) Spanish VI.
  - (G) Spanish **language**, advanced placement. ~~or college credit.~~
  - (H) Spanish literature, advanced placement.**
- (4) The following Russian courses:
  - (A) Russian I.
  - (B) Russian II.
  - (C) Russian III.
  - (D) Russian IV.
  - (E) Russian V.
  - (F) Russian VI.
  - ~~(G) Russian, advanced placement or college credit.~~
- (5) The following Chinese courses:
  - (A) Chinese I.
  - (B) Chinese II.
  - (C) Chinese III.
  - (D) Chinese IV.
  - (E) Chinese V.
  - (F) Chinese VI.
  - ~~(G) Chinese, advanced placement or college credit.~~
- (6) The following Japanese courses:
  - (A) Japanese I.
  - (B) Japanese II.
  - (C) Japanese III.
  - (D) Japanese IV.
  - (E) Japanese V.
  - (F) Japanese VI.
  - ~~(G) Japanese, advanced placement or college credit.~~
- (7) The following Latin courses:
  - (A) Latin I.
  - (B) Latin II.
  - (C) Latin III.
  - (D) Latin IV.
  - (E) Latin V.
  - (F) Latin VI.
  - (G) Latin **literature**, advanced placement. ~~or college credit.~~
  - (H) Latin: Vergil, advanced placement.**
- (8) Other **foreign world** language courses as follows:
  - (A) Level I.
  - (B) Level II.
  - (C) Level III.
  - (D) Level IV.
  - (E) Level V.

- (F) Level VI.
  - (G) American sign language I.
  - (H) American sign language II.
  - (I) ~~Other foreign~~ **Advanced world** language, ~~advanced placement or college credit.~~
  - (9) Linguistics courses: etymology.
  - (10) The following nonsequential **foreign world** language courses:
    - (A) Exploring **foreign world** languages.
    - (B) English as a new language.
- (Indiana State Board of Education; 511 IAC 6.1-5.1-4; filed Nov 8, 1990, 3:05 p.m.: 14 IR 656; filed Nov 4, 1999, 10:08 a.m.: 23 IR 567, eff Jul 1, 2000; filed Nov 4, 2004, 9:06 a.m.: 28 IR 961)*

SECTION 5. 511 IAC 6.1-5.1-5 IS AMENDED TO READ AS FOLLOWS:

### 511 IAC 6.1-5.1-5 Mathematics

Authority: IC 20-1-1-6; IC 20-1-1.2-18  
Affected: IC 20-10.1

Sec. 5. The following courses may be offered in the mathematics area of study:

- (1) The following Level I courses:
  - (A) Mathematics lab.
  - (B) Prealgebra.
  - (C) Investigative geometry.**
- (2) The following Level ~~I~~ **II** courses:
  - (A) Algebra I.
  - (B) Algebra II.
  - (C) Geometry.
  - (D) Integrated mathematics I.
  - (E) Integrated mathematics II.
  - (F) Integrated mathematics III.
  - ~~(G) Investigative geometry.~~
- (3) The following Level III courses:**
  - ~~(H)~~ **(A)** Precalculus/trigonometry.
  - ~~(I)~~ **(B)** Probability and statistics.
  - ~~(J)~~ **(C)** Discrete mathematics.
  - ~~(K)~~ **(D)** Calculus **AB**, advanced placement.
  - (E) Calculus BC, advanced placement.**
  - ~~(L)~~ **(F)** Statistics, advanced placement.
  - ~~(M)~~ **(G) Advanced** mathematics, college credit.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-5; filed Nov 8, 1990, 3:05 p.m.: 14 IR 656; filed Aug 15, 1997, 8:50 a.m.: 21 IR 83, eff Jul 1, 1998; filed Nov 4, 1999, 10:08 a.m.: 23 IR 568, eff Jul 1, 2000; filed Jun 17, 2003, 9:05 a.m.: 26 IR 3646; filed Jun 17, 2003, 9:00 a.m.: 26 IR 3647, eff Jul 1, 2004; filed Nov 4, 2004, 9:06 a.m.: 28 IR 962)*

SECTION 6. 511 IAC 6.1-5.1-6 IS AMENDED TO READ AS FOLLOWS:

### 511 IAC 6.1-5.1-6 Science courses

Authority: IC 20-1-1-6; IC 20-1-1.2-18  
Affected: IC 20-10.1

Sec. 6. (a) The following courses may be offered in the science area of study:

- (1) The following integrated sciences courses:
  - ~~(A) Science fundamentals (L).~~
  - ~~(B) (A) Science projects and techniques research, independent study (L).~~
  - ~~(C) Environmental science (L).~~
  - ~~(D) (B) Environmental science, advanced (L).~~
  - ~~(E) (C) Environmental science, advanced placement or college credit (L).~~
- (2) The following biological life sciences courses:
  - (A) First year Biology I (L).
  - (B) Life science (L).
  - (C) Biology, advanced placement or college credit (L).
  - (D) Second year Biology general II (L).
  - ~~(E) Second year biology, other (L).~~
- (3) The following earth and space sciences courses:
  - (A) First year Earth and space science I (L).
  - ~~(B) Earth and space science, advanced placement or college credit (L).~~
  - ~~(C) Second year (B) Earth and space science general II (L).~~
  - ~~(D) Earth and space science, other (L).~~
- (4) The following physical sciences courses:
  - (A) The following chemistry courses:
    - (i) First year Chemistry I (L).
    - (ii) Chemistry, advanced placement or college credit (L).
    - (iii) Second year Chemistry general II (L).
    - ~~(iv) Second year chemistry, other (L).~~
  - (B) The following physics courses:
    - (i) First year Physics I (L).
    - (ii) Physics B, advanced placement or college credit (L).
    - (iii) Physics C, advanced placement (L).**
    - ~~(iii) Second year (iv) Physics other II (L).~~
  - (C) Other physical sciences courses as follows:
    - (i) Physical science (L).
    - (ii) Integrated chemistry-physics (L).
    - ~~(iii) Principles of flight and space travel (L).~~
- (5) Other science courses:**
  - (A) Advanced science, college credit (L).**
  - (B) Advanced science, special topics (L).**
  - (C) Science tutorial.**

(b) In order to use the courses listed in this section toward the ~~thirty-eight (38)~~ **forty (40)** credit requirements, any course that is suffixed with a capital "L" in parentheses is to be presented as a laboratory course, as defined at ~~511 IAC 6.1-1-2(t)~~. **511 IAC 6.1-1-2(m)**. (*Indiana State Board of Education; 511 IAC 6.1-5.1-6; filed Nov 8, 1990, 3:05 p.m.: 14 IR 657; filed Aug 20, 1997, 7:17 a.m.: 21 IR 83, eff Jul 1, 1999; filed Sep 25, 1998, 4:50 p.m.: 22 IR 441; filed Sep 25, 1998, 4:51 p.m.: 22 IR 442, eff Jul 1, 1999; filed Nov 4, 2004, 9:06 a.m.: 28 IR 962*)

SECTION 7. 511 IAC 6.1-5.1-8 IS AMENDED TO READ AS FOLLOWS:

**511 IAC 6.1-5.1-8 Fine arts courses**

Authority: IC 20-1-1-6; IC 20-1-1.2-18

Affected: IC 20-10.1

Sec. 8. (a) The following courses may be offered in the fine arts area of study:

- (1) The following art courses:
  - (A) The following general art courses:
    - (i) Introduction to two-dimensional art (L).
    - (ii) Introduction to three-dimensional art (L).
    - (iii) Advanced two-dimensional art (L).
    - (iv) Advanced three-dimensional art (L).
  - (B) The following historical art courses:
    - (i) Art history.
    - (ii) Advanced art history.
    - (iii) Art history, advanced placement.**
    - ~~(iii) (iv) Fine arts connections.~~
  - (C) The following three-dimensional art courses:
    - (i) Ceramics (L).
    - (ii) Jewelry (L).
    - (iii) Sculpture (L).
    - (iv) Fiber arts (L).
    - (v) Studio art (drawing or general); **portfolio**, advanced placement. or college credit.
    - (vi) Studio art (2-D design portfolio), advanced placement.**
    - (vii) Studio art (3-D design portfolio), advanced placement.**
  - (D) The following two-dimensional art courses:
    - (i) Drawing (L).
    - (ii) Painting (L).
    - (iii) Printmaking (L).
    - (iv) Media arts.
  - (E) The following visual design courses:
    - (i) Computer graphics (L).
    - (ii) Visual communication.
- (2) The following dance courses:
  - (A) Dance performance—ballet, modern, jazz, or ethnic-folk (L).
  - (B) Dance choreography—ballet, modern, jazz, or ethnic-folk (L).
  - (C) Dance history and appreciation.
- (3) The following music courses:
  - (A) The following instrumental music courses:
    - (i) Beginning concert band (L).
    - (ii) Intermediate concert band (L).
    - (iii) Advanced concert band (L).
    - (iv) Instrumental ensemble (L).
    - (v) Jazz ensemble (L).
    - (vi) Beginning orchestra (L).
    - (vii) Intermediate orchestra (L).
    - (viii) Advanced orchestra (L).
  - (B) The following vocal music courses:
    - (i) Choral chamber ensemble (L).
    - (ii) Beginning chorus (L).
    - (iii) Intermediate chorus (L).
    - (iv) Advanced chorus (L).
    - (v) Vocal jazz (L).
  - (C) Other music courses as follows:

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- (i) Applied music (L).
- (ii) Electronic music (L).
- (iii) Piano and electronic keyboard (L).
- (iv) Music history and appreciation.
- (v) Music theory and composition (L).
- (vi) Music theory, advanced placement.**

(4) The following theatre arts courses:

- (A) Theatre arts (L).
- (B) Advanced theatre arts (L).
- (C) Theatre production (L).
- (D) Theatre arts history.
- (E) Advanced acting (L).
- (F) Technical theatre (L).
- (G) Advanced technical theatre (L).
- (H) Theatre arts special topic (L).
- (I) Musical theatre (L).

### **(5) Advanced fine arts, college credit.**

(b) In order to use the courses listed in this section toward the ~~thirty-eight (38)~~ **forty (40)** credit requirements, any course that is suffixed with a capital "L" in parentheses is to be presented as a laboratory course, as defined at ~~511 IAC 6.1-1-2(f)~~: **511 IAC 6.1-1-2(m)**. (*Indiana State Board of Education; 511 IAC 6.1-5.1-8; filed Nov 8, 1990, 3:05 p.m.: 14 IR 657; filed Nov 4, 1999, 10:08 a.m.: 23 IR 569, eff Jul 1, 2000; filed Jul 7, 2003, 3:45 p.m.: 26 IR 3648; filed Nov 4, 2004, 9:06 a.m.: 28 IR 963*)

SECTION 8. 511 IAC 6.1-5.1-9, AS AMENDED AT 27 IR 3500, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

### **511 IAC 6.1-5.1-9 Business technology education; technology education**

**Authority:** IC 20-1-1-6; IC 20-1-1.2-18  
**Affected:** IC 20-10.1

Sec. 9. The following courses may be offered in the business technology education and technology education areas of study:

- (1) The following business technology education courses:
  - (A) The following business technology education and economics courses:
    - (i) Accounting I.
    - (ii) Accounting II.
    - (iii) Business foundations.
    - (iv) Computer applications.
    - (v) Computer applications, advanced.
    - (vi) Computer keyboarding/document formatting.
    - (vii) Computer programming.
    - (viii) Digital communication tools.
    - (ix) Marketing.
    - (x) Business mathematics/personal finance.
    - (xi) Shorthand/notehand.
  - (B) The following advanced business technology education and economics courses:
    - (i) Business, college level.
    - (ii) Business and personal law.
    - (iii) Business management.

- (iv) Computer science A, advanced placement.**
- (v) Computer science AB, advanced placement.**

- ~~(iv)~~ **(vi) Desktop publishing.**
- ~~(v)~~ **(vii) Entrepreneurship.**
- ~~(vi)~~ **(viii) Financial services and planning.**
- ~~(vii)~~ **(ix) Global economics.**
- ~~(viii)~~ **(x) International business.**
- ~~(ix)~~ **(xi) Technical/business communication.**

(2) The following technology education courses:

- (A) The following technology education courses:
  - (i) Communication systems (one (1) semester).
  - (ii) Construction systems (one (1) semester).
  - (iii) Manufacturing systems (one (1) semester).
  - (iv) Transportation systems (one (1) semester).
  - (v) Communication processes (one (1) or two (2) semesters).
  - (vi) Construction processes (one (1) or two (2) semesters).
  - (vii) Manufacturing processes (one (1) or two (2) semesters).
  - (viii) Transportation processes (one (1) or two (2) semesters).
  - (ix) Design processes (one (1) or two (2) semesters).
  - (x) Technology enterprises (one (1) semester).
  - (xi) Technology and society (one (1) semester).
  - (xii) Technology systems (one (1) or two (2) semesters).
  - (xiii) Fundamentals of engineering (one (1) semester).
  - (xiv) Computers in design and production systems (one (1) or two (2) semesters).

(B) **After July 1, 2001**, schools involved in Project Lead the Way may substitute the following pre-engineering courses:

- (i) Introduction to engineering design (two (2) semesters) in lieu of design processes.
  - (ii) Principles of engineering (two (2) semesters) in lieu of fundamentals of engineering.
  - (iii) Computer integrated manufacturing (two (2) semesters) in lieu of computers in design and production systems.
- (C) Schools involved in Project Lead the Way may also offer the following pre-engineering courses:
- (i) Aerospace technology.
  - (ii) Biotechnology.
  - (iii) Civil engineering and architecture.

*(Indiana State Board of Education; 511 IAC 6.1-5.1-9; filed Nov 8, 1990, 3:05 p.m.: 14 IR 658; filed Jul 12, 1993, 10:00 a.m.: 16 IR 2853, eff Jul 1, 1993 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #92-143 was filed Jul 12, 1993.]; filed May 24, 1995, 10:00 a.m.: 18 IR 2409; filed May 28, 1998, 4:57 p.m.: 21 IR 3826; errata filed Aug 17, 1998, 10:21 a.m.: 22 IR 127; filed Dec 2, 2001, 12:22 p.m.: 25 IR 1141; filed Jun 30, 2004, 1:45 p.m.: 27 IR 3500; filed Nov 4, 2004, 9:06 a.m.: 28 IR 964)*

*LSA Document #04-36(F)  
Notice of Intent Published: March 1, 2004; 27 IR 1938*

*Proposed Rule Published: May 1, 2004; 27 IR 2552*  
*Hearing Held: June 3, 2004*  
*Approved by Attorney General: October 20, 2004*  
*Approved by Governor: October 29, 2004*  
*Filed with Secretary of State: November 4, 2004, 9:06 a.m.*  
*IC 4-22-7-5(c) notice from Secretary of State regarding*  
*documents incorporated by reference: None received by*  
*Publisher*

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**TITLE 511 INDIANA STATE BOARD OF  
EDUCATION**

LSA Document #04-101(F)

DIGEST

Amends 511 IAC 1-3-1 to add an additional average daily membership or ADM count to be taken on December 1 for all students and an additional count of students enrolled in special education programs be taken on April 1. Effective 30 days after filing with the secretary of state.

**511 IAC 1-3-1**

SECTION 1. 511 IAC 1-3-1, AS AMENDED AT 27 IR 3504, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**511 IAC 1-3-1 Definitions**

**Authority:** IC 20-1-1-6; IC 21-3-1.6-1.1  
**Affected:** IC 21-3-2.1; IC 21-3-4.5-1

Sec. 1. (a) "ADA flat grant" means the distribution of funds provided for in IC 21-3-4.5.

(b) "Additional pupil count" or "APC" means the number of pupils enrolled in programs as specified in ~~IC 21-3-1.6-3~~ **IC 21-3-2.1**.

(c) "Aggregate days of attendance" means the total days of attendance accumulated by all students enrolled in grades K-12.

(d) "Aggregate days of enrollment" means the total student instructional days of enrollment accumulated by all students in grades K-12 during the regular school year.

(e) "Aggregate days of unexcused absence" means the total days of unexcused absence accumulated by all students **under eighteen (18) years of age** enrolled in grades kindergarten through 12.

(f) "Average daily attendance" or "ADA" means the result of dividing the number of aggregate days of attendance for the reporting period by the number of student instructional days during the reporting period.

(g) "Average daily enrollment" means the result of dividing the aggregate days of enrollment by the number of student

instructional days during the regular school year.

(h) "Average daily membership" or "ADM" means the number of pupils with legal settlement in the school corporation enrolled in the school corporation or in a transferee corporation on the second Friday following Labor Day. Kindergarten pupils attending half-time or more shall be counted as one-half (½). **Beginning in the 2004-2005 school year, the ADM shall be adjusted on December 1 of that same year. The board shall monitor changes that occur after the ADM count, in the number of students enrolled in programs for children with disabilities, and shall, on December 1 of that same year and, beginning in the 2004-2005 school year, on April 1 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities.**

(i) "Board" means the Indiana state board of education.

(j) "Department" means the department of education.

(k) "Postgraduate student" means a person who has received a high school diploma or its equivalent.

(l) "Reporting period" means:

(1) for purposes of determining ADA for the ADA flat grant, the three (3) week period beginning the first Monday following Labor Day;

(2) for purposes of determining ADA for the regular school year, the period beginning the first day of the regular school year and ending the last day of the regular school year;

(3) for purposes of determining ADA for summer school, the period beginning the first day of the summer school session and ending the last day of the summer school session; and

(4) for other purposes, the period determined by the board.

(m) "Student attendance rate" means the result of dividing the number of aggregate days of attendance for the regular school year by the number of aggregate days of enrollment.

(n) "Truancy rate" means the result of dividing the number of aggregate days of unexcused absence ~~accumulated by students under eighteen (18) years of age~~ for the regular school year by the number of aggregate days of enrollment.

(o) "Unexcused absence" means an absence from school that is:  
(1) not authorized by the local school administrator or local school corporation rule; and

(2) a violation of IC 20-8.1-3.

An out-of-school suspension is not an unexcused absence. (*Indiana State Board of Education; Rule A-1, Sec 1; filed May 8, 1978, 3:21 p.m.: Rules and Regs. 1979, p. 78; filed Mar 15, 1988, 10:45 a.m.: 11 IR 2857; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Jun 22, 2004, 5:15 p.m.: 27 IR 3504; filed Oct 22, 2004, 10:25 a.m.: 28 IR 965*) **NOTE: Transferred from the commission on general education (510 IAC 2-1-1) to the Indiana state board of education (511 IAC 1-**

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3-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

LSA Document #04-101(F)

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### TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #03-270(F)

#### DIGEST

Adds 872 IAC 1-6 to establish the requirements and procedures for a quality review program for CPA and PA firms. Effective 30 days after filing with the secretary of state.

#### 872 IAC 1-6

SECTION 1. 872 IAC 1-6 IS ADDED TO READ AS FOLLOWS:

##### Rule 6. Quality Review

##### 872 IAC 1-6-1 Applicability

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9

Affected: IC 25-2.1-5; IC 25-2.1-6

Sec. 1. (a) This rule establishes a quality review program for CPA and PA firms issued a permit under IC 25-2.1-5.

(b) This rule does not apply to AP firms issued a registration under IC 25-2.1-6. (Indiana Board of Accountancy; 872 IAC 1-6-1; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966)

##### 872 IAC 1-6-2 "Approved quality review program" defined

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9

Affected: IC 25-2.1-5-8; IC 25-2.1-5-9

Sec. 2. "Approved quality review program" means a peer review program:

- (1) administered by an oversight body established by the board under section 7 of this rule; and
- (2) meeting the requirements of this rule, including the:
  - (A) AICPA document incorporated by reference in section 11 of this rule (applicable to CPA and PA firms); or
  - (B) NSA document incorporated by reference in section 12 of this rule (applicable to PA firms only).

(Indiana Board of Accountancy; 872 IAC 1-6-2; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966)

##### 872 IAC 1-6-3 "Attest" defined

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9

Affected: IC 25-2.1-1-3; IC 25-2.1-1-3.8

Sec. 3. "Attest" has the meaning set forth in IC 25-2.1-1-3.8. (Indiana Board of Accountancy; 872 IAC 1-6-3; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966)

##### 872 IAC 1-6-4 "Compilation" defined

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9

Affected: IC 25-2.1-1-6.3

Sec. 4. "Compilation" has the meaning set forth in IC 25-2.1-1-6.3. (Indiana Board of Accountancy; 872 IAC 1-6-4; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966)

##### 872 IAC 1-6-5 "Firm location" defined

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9

Affected: IC 25-2.1-5-5

Sec. 5. "Firm location" means an individual office location of a CPA or PA firm that is required to be registered under IC 25-2.1-5-5(a)(1) or IC 25-2.1-5-5(b)(1). (Indiana Board of Accountancy; 872 IAC 1-6-5; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966)

##### 872 IAC 1-6-6 "Quality review" defined

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9

Affected: IC 25-2.1-1-12

Sec. 6. "Quality review" has the meaning set forth in IC 25-2.1-1-12. (Indiana Board of Accountancy; 872 IAC 1-6-6; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966)

##### 872 IAC 1-6-7 Quality review oversight committee

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9

Affected: IC 25-2.1-5-8; IC 25-2.1-5-9

Sec. 7. (a) The board shall appoint a quality review oversight committee to assist it in the implementation of the quality review program.

(b) The oversight committee shall consist of three (3) licensees who have an active certificate as a certified public accountant or public accountant.

(c) An appointment under this section is for a term of three (3) years, except for an appointment to fill a vacancy shall be for the remainder of the unexpired term. A committee member may continue to serve until the member's successor is appointed and qualified. An oversight committee member may be reappointed at the end of each term.

(d) Notwithstanding subsection (c), the initial appointment to the committee shall be:

- (1) one (1) committee member for the term of one (1) year;
- (2) one (1) committee member for the term of two (2) years; and
- (3) one (1) committee member for a term of three (3) years.

The duration of these terms shall be calculated from July 1, 2004. (*Indiana Board of Accountancy; 872 IAC 1-6-7; filed Oct 13, 2004, 11:30 a.m.: 28 IR 966*)

**872 IAC 1-6-8 Responsibilities of oversight committee**

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9  
Affected: IC 25-2.1-5-8; IC 25-2.1-5-9

Sec. 8. The quality review oversight committee is responsible for the following:

- (1) Monitoring approved quality review programs and reporting periodically to the board on whether these programs meet the requirements of this rule.
- (2) Evaluating the determinations and recommendations in each quality review report submitted by the firm.
- (3) Submitting an annual report to the board that includes statistics on the impact and effect of the quality review program and a list of firms that have undergone quality reviews under this rule.
- (4) Carrying out other duties as delegated by the board necessary for the administration and enforcement of this rule.

(*Indiana Board of Accountancy; 872 IAC 1-6-8; filed Oct 13, 2004, 11:30 a.m.: 28 IR 967*)

**872 IAC 1-6-9 Requirements for firms**

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9  
Affected: IC 25-2.1-5

Sec. 9. (a) This section applies to renewal of firm permits that expire on or after June 30, 2006.

(b) During the three (3) year period preceding a firm's application for renewal of a permit under IC 25-2.1-5, a firm shall complete a quality review in compliance with this rule, unless the firm is not required to have a quality review under subsection (d)(2). Failure of a firm to complete a quality review may result in the denial of the renewal of the firm's permit under IC 25-2.1-5.

(c) Each firm where attest or compilation services are performed shall be covered by a quality review. A single quality review report covering all locations may be submitted for firms with multiple firm locations.

(d) Each application for renewal of a permit under IC 25-2.1-5 shall include:

- (1) a letter certifying acceptance of the quality review report issued to the firm by the oversight committee; or
- (2) a certification that the firm is not required to have a quality review because it has not performed any attest or compilation engagements since the last expiration of the firm permit.

(e) For the 2006 renewal, the period under subsection (d)(2) shall be since June 30, 2005, rather than since the last expiration of the firm permit.

(f) Before commencement of an attest or compilation engagement, a firm that was not required to obtain a quality review under subsection (d)(2) shall notify the board and shall complete a quality review within eighteen (18) months of such notification.

(g) In order to renew an expired firm permit, a firm shall complete a quality review in compliance with this rule. An exemption under subsection (d)(2) shall be calculated as if the firm permit had been renewed before its expiration.

(h) Each firm is responsible for the cost of the quality reviews under this rule.

(i) A quality review obtained after June 30, 2003, but before the effective date of this rule, shall fulfill the requirements for obtaining a quality review for the 2006 renewal as long as the quality review was done in a manner consistent with this rule. (*Indiana Board of Accountancy; 872 IAC 1-6-9; filed Oct 13, 2004, 11:30 a.m.: 28 IR 967*)

**872 IAC 1-6-10 Reports; confidentiality**

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9  
Affected: IC 25-2.1-5-8; IC 25-2.1-5-9

Sec. 10. (a) An approved quality review program administrator shall determine and report the following to the oversight committee with respect to each firm that is reviewed:

- (1) Any recommendations concerning the possible improvement of the quality of the firm location's professional services.
- (2) Whether the firm is not in general conformity with applicable professional standards.
- (3) If the firm is not in general conformity, any significant departures from applicable professional standards.

(b) A firm that is the subject of a quality review may submit to the oversight committee a response to the determinations and recommendations contained in the quality review report.

(c) Quality review reports and related comments and work papers shall be retained by the oversight committee for a period of at least three (3) years from the date of submission or until acceptance by the oversight committee of the firm location's next quality review report, whichever is later.

(d) All proceedings, records, and work papers related to a quality review performed under this rule are privileged as provided in IC 25-2.1-5-8 and are not subject to discovery, subpoena, or other means of legal process or introduction into evidence unto a civil action, arbitration, administrative proceeding, or board proceeding.

(e) Subject to IC 25-2.1-5-9, a member of the review commit-

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tee or an individual who was involved with or who performed a quality review may not testify in a civil action, arbitration, administrative proceeding, or board proceeding to matters:

- (1) produced, presented, disclosed, or discussed during, or in connection with, the quality review process; or
- (2) that involve findings, recommendations, evaluations, opinions, or other actions of the approved quality review program, the oversight committee, or individual reviewers or committee members.

*(Indiana Board of Accountancy; 872 IAC 1-6-10; filed Oct 13, 2004, 11:30 a.m.: 28 IR 967)*

### 872 IAC 1-6-11 AICPA standards for peer/quality review program

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9  
Affected: IC 25-2.1

Sec. 11. (a) That certain document being titled Standards for Performing and Reporting on Peer Reviews (copyright 2000, effective January 1, 2001), as published by the American Institute of Certified Public Accountants (AICPA), 1211 Avenue of the Americas, New York, New York 10036-8775, is hereby incorporated by reference as if fully set out in this rule except for the revision stated in this section. This document applies to quality reviews performed before January 1, 2005.

(b) That certain document being titled Standards for Performing and Reporting on Peer Reviews (copyright 2004, effective January 1, 2005), as published by the American Institute of Certified Public Accountants (AICPA), 1211 Avenue of the Americas, New York, New York 10036-8775, is hereby incorporated by reference as if fully set out in this rule except for the revision stated in this section. This document applies to quality reviews performed after December 31, 2004.

(c) Notwithstanding the use of the word "should" in the Standards for Performing and Reporting on Peer Reviews, a reviewer must comply with the standards or must justify any departure therefrom.

(d) The Standards for Performing and Reporting on Peer Reviews is incorporated by reference in this rule to establish substantive standards for quality reviews. Any requirement for membership in the AICPA or other organization or the involvement of any AICPA entity or state CPA society in the quality review process shall not apply. The quality review program under this rule is administered by the board and the quality review oversight committee established under section 7 of this rule. However, this subsection shall not be construed to limit the involvement of either the AICPA or the state CPA society in any quality review activity involving their members as long as the resulting quality review complies with this rule.

(e) If any provision of the Standards for Performing and

Reporting on Peer Reviews conflict in any way with IC 25-2.1 or this title, it shall not apply. *(Indiana Board of Accountancy; 872 IAC 1-6-11; filed Oct 13, 2004, 11:30 a.m.: 28 IR 968)*

### 872 IAC 1-6-12 NSA standards for peer/quality review program

Authority: IC 25-2.1-2-15; IC 25-2.1-5-8; IC 25-2.1-5-9  
Affected: IC 4-22-2; IC 25-2.1

Sec. 12. (a) That certain document being titled National Society of Accountants Peer Review Program Manual (copyright 2002), as published by the National Society of Accountants (NSA), 1010 Fairfax Street, Alexandria, Virginia 22314, is hereby incorporated by reference as if fully set out in this rule except for the revision stated in this section. No subsequent editions, amendments, supplements, or releases of this document will be in effect in Indiana or adopted by the board except by following the rulemaking provisions of IC 4-22-2.

(b) The National Society of Accountants Peer Review Program Manual is incorporated by reference in this rule to establish substantive standards for quality reviews. Any requirement for membership in the NSA or the involvement of any NSA entity in the quality review process shall not apply. The quality review program under this rule is administered by the board and the quality review oversight committee established under section 7 of this rule. However, this subsection shall not be construed to limit the involvement of NSA in any quality review activity involving their members as long as the resulting quality review complies with this rule.

(c) If any provision of the National Society of Accountants Peer Review Program Manual conflicts in any way with IC 25-2.1 or this title, it shall not apply. *(Indiana Board of Accountancy; 872 IAC 1-6-12; filed Oct 13, 2004, 11:30 a.m.: 28 IR 968)*

*LSA Document #03-270(F)*

*Notice of Intent Published: November 1, 2003; 27 IR 553*

*Proposed Rule Published: May 1, 2004; 27 IR 2571*

*Hearing Held: June 18, 2004*

*Approved by Attorney General: September 24, 2004*

*Approved by Governor: October 7, 2004*

*Filed with Secretary of State: October 13, 2004, 11:30 a.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: National Society of Accountants Peer Review Program Manual, ©2002; American Institute of Certified Public Accountants Standards for Performing and Reporting on Peer Reviews, ©2000, effective January 1, 2001; American Institute of Certified Public Accountants Standards for Performing and Reporting on Peer Reviews, ©2004, effective January 1, 2005.*

**TITLE 905 ALCOHOL AND TOBACCO  
COMMISSION**

LSA Document #03-279(F)

**DIGEST**

Adds 905 IAC 1-46 concerning tobacco retail sales certificates. Effective 30 days after filing with the secretary of state.

**905 IAC 1-46**

SECTION 1. 905 IAC 1-46 IS ADDED TO READ AS FOLLOWS:

**Rule 46. Tobacco Retail Sales Certificates**

**905 IAC 1-46-1 Display of sales certificate**

Authority: IC 7.1-2-3-7; IC 7.1-3-18.5-4

Affected: IC 7.1-3-18.5

**Sec. 1. A tobacco retail sales certificate issued pursuant to IC 7.1-3-18.5 must be conspicuously displayed in a manner as follows:**

- (1) In the same location as an alcoholic beverage permit issued under IC 7.1, if the retailer has such a permit; or**
- (2) In a conspicuous location visible to the public if the retailer does not have an alcoholic beverage permit issued under IC 7.1.**

*(Alcohol and Tobacco Commission; 905 IAC 1-46-1; filed Oct 18, 2004, 1:25 p.m.: 28 IR 969)*

*LSA Document #03-279(F)*

*Notice of Intent Published: November 1, 2003; 27 IR 553*

*Proposed Rule Published: January 1, 2004; 27 IR 1291*

*Hearing Held: January 26, 2004*

*Approved by Attorney General: October 8, 2004*

*Approved by Governor: October 18, 2004*

*Filed with Secretary of State: October 18, 2004, 1:25 p.m.*

*IC 4-22-7-5(c) notice from Secretary of State regarding documents incorporated by reference: None received by Publisher*

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## Errata

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### TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES

LSA Document #04-142(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #04-142(F), printed at 28 IR 815:

- (1) In 405 IAC 1-1.5-1(d), on page 2 of the original document (28 IR 815), delete the second occurrence of “providers who are not under contract to the MCO, and who provide services to recipients in”.
- (2) In 405 IAC 1-1.6-2(b)(1), on page 2 of the original document (28 IR 816), after “claim,” insert “the informal process must be commenced within sixty (60) days after the provider’s receipt of written notification of the MCO’s determination”.

*Filed with Secretary of State: November 15, 2004, 10:20 a.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

*NOTE: This change was incorporated into the printed version of LSA Document #04-142(F) and may be found at 28 IR 815, as corrected.*

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #03-71(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in LSA Document #03-71(F), printed at 27 IR 2252:

- (1) In 675 IAC 14-4.2-3(a), on page 3 of the original document (27 IR 2254), after “Change”, delete “in”.
- (2) In 675 IAC 14-4.2-3(aa), on page 5 of the original document (27 IR 2256), after the second “SMOKE ALARM”, insert “means”.
- (3) In 675 IAC 14-4.2-3(bb), on page 5 of the original document (27 IR 2256), after the second “TACTILE NOTIFICATION APPLIANCE”, insert “means”.
- (4) In 675 IAC 14-4.2-19.5, on page 10 of the original document (27 IR 2261), after “paragraph”, insert “of Section R303.4”.
- (5) In 675 IAC 14-4.2-20.5, item 5, on page 11 of the original document (27 IR 2261), delete “SECTION 308.4” and insert “SECTION R308.4”.
- (6) In 675 IAC 14-4.2-21(b), on page 11 of the original document (27 IR 2261), before “inch”, insert a hyphen.
- (7) In 675 IAC 14-4.2-21(b), on page 11 of the original document (27 IR 2261), delete “millimeters” and insert “millimeter”.

(8) In 675 IAC 14-4.2-26.5, on page 13 of the original document (27 IR 2263), before “inch”, insert a hyphen.

(9) In 675 IAC 14-4.2-26.5, on page 13 of the original document (27 IR 2263), delete “millimeters” and insert “millimeter”.

(10) In 675 IAC 14-4.2-29(b), on page 14 of the original document (27 IR 2263), delete “Section 316” and insert “SECTION R316”.

(11) In 675 IAC 14-4.2-53.7, item 2, on page 18 of the original document (27 IR 2267), under the EXCEPTION, before “inch” and before “wide”, insert a hyphen.

(12) In 675 IAC 14-4.2-69.5, on page 19 of the original document (27 IR 2267), after “TABLE R502.3.1(1)”, insert “or TABLE R502.3.1(2)”.

(13) In 675 IAC 14-4.2-69.6, on page 20 of the original document (27 IR 2268), after “insert FIGURE R502.8”, insert “to read as follows”.

(14) In 675 IAC 14-4.2-73.5, on page 20 of the original document (27 IR 2268), before “inch” in two places, insert a hyphen.

(15) In 675 IAC 14-4.2-81.2, on page 21 of the original document (27 IR 2268), after “sentence”, insert “to SECTION R606.2”.

(16) In 675 IAC 14-4.2-89.6, on page 22 of the original document (27 IR 2270), after “<sup>(3/4)</sup>”, insert a hyphen before “inch” and delete “millimeters” and insert “millimeter”.

(17) In 675 IAC 14-4.2-89.8, on page 23 of the original document (27 IR 2270), after “<sup>(3/4)</sup>” and “<sup>(3/16)</sup>”, insert a hyphen before “inch” and delete “millimeters” and insert “millimeter”.

(18) In 675 IAC 14-4.2-107, on page 24 of the original document (27 IR 2271), in the EXCEPTION to SECTION N1101.1, after “shall be”, insert “exempt”.

(19) In 675 IAC 14-4.2-107, on page 27 of the original document (27 IR 2273), in TABLE 11-5, delete the reference to Footnote f in Row 1, Column 9, and insert the reference to Footnote f in Row 1, Column 8.

(20) In 675 IAC 14-4.2-107, on page 27 of the original document (27 IR 2273), in TABLE 11-5, in Row 2, Column 9, delete “7/3.2 ft.” and insert “10/3.2 ft.”.

*Filed with Secretary of State: November 10, 2004, 1:10 p.m.*

*Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Secretary of State.*

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**TITLE 45 DEPARTMENT OF STATE REVENUE**

LSA Document #04-255

Under IC 4-22-2-41, LSA Document #04-255, printed at 28  
IR 623, is withdrawn.

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# Emergency Rules

## TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-280(E)

### DIGEST

Temporarily adds rules concerning scratch-off number 731. Effective October 22, 2004.

**SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 731, \$250 Christmas Club".**

**SECTION 2. Scratch-off tickets in scratch-off game number 731 shall sell for one dollar (\$1) per ticket.**

**SECTION 3. (a) Each scratch-off ticket in scratch-off game number 731 shall contain fourteen (14) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Two (2) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Twelve (12) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS" and be arranged in pairs representing numbers and prize amounts.**

**(b) The play symbols and play symbol captions in scratch-off game number 731, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:**

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7  
SVN
- (8) 8  
EGT
- (9) 9  
NIN
- (10) 10  
TEN
- (11) 11  
ELV
- (12) 12  
TLV

**(c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 731 shall consist of the following possible play symbols and play**

**symbol captions:**

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$3.00  
THREE
- (4) \$5.00  
FIVE
- (5) \$6.00  
SIX
- (6) \$10.00  
TEN
- (7) \$20.00  
TWENTY
- (8) \$25.00  
TWY FIVE
- (9) \$40.00  
FORTY
- (10) \$100  
ONE HUN
- (11) \$250  
TWOHUNFTY

**SECTION 4. The holder of a ticket in scratch-off game number 731 shall remove the latex material covering the fourteen (14) play symbols and play symbol captions. If one (1) or more of "YOUR NUMBERS" match either of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. The matched prize play symbols, prize amounts, and approximate number of winners in scratch-off game number 731 are as follows:**

Matched Prize Symbol	Prize Amount	Approximate Number of Winners
1 – \$1.00	\$1	416,000
2 – \$1.00	\$2	240,000
1 – \$2.00	\$2	160,000
1 – \$4.00	\$4	48,000
2 – \$2.00	\$4	32,000
1 – \$2.00 + 1 – \$3.00	\$5	32,000
1 – \$5.00	\$5	16,000
2 – \$5.00	\$10	8,000
1 – \$6.00 + 2 – \$2.00	\$10	8,000
1 – \$10.00	\$10	8,000
2 – \$5.00 + 1 – \$10.00	\$20	8,000
1 – \$20.00	\$20	8,000
2 – \$20.00	\$40	5,440
4 – \$10.00	\$40	3,000
1 – \$40.00	\$40	2,500
4 – \$25.00	\$100	400
1 – \$100	\$100	400
1 – \$250	\$250	200

SECTION 5. (a) There shall be approximately four million eight hundred thousand (4,800,000) scratch-off tickets initially available in scratch-off game number 731.

(b) The odds of winning a prize in scratch-off game number 731 are approximately 1 in 4.82.

(c) All reorders of tickets for scratch-off game number 731 shall have the same:

- (1) prize structure;
  - (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
  - (3) odds;
- as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 731 is November 30, 2005.

SECTION 7. This document expires December 31, 2005.

*LSA Document #04-280(E)*

*Filed with Secretary of State: October 20, 2004, 11:45 a.m.*

**TITLE 65 STATE LOTTERY COMMISSION**

LSA Document #04-281(E)

**DIGEST**

Temporarily adds rules concerning scratch-off game number 732. Effective October 22, 2004.

SECTION 1. The name of this scratch-off game is "Scratch-Off Game Number 732, Sizzling 7s".

SECTION 2. Scratch-off tickets in scratch-off game number 732 shall sell for one dollar (\$1) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off game number 732 shall contain sixteen (16) play symbols and play symbol captions all concealed under a large spot of latex material. There shall be four (4) independent games labeled "GAME 1", "GAME 2", "GAME 3", and "GAME 4", respectively.

(b) The play symbols and play symbol captions, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions in red or black images:

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR

- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7 (black image)  
SVN
- (8) 7 (red image)  
DBL
- (9) 8  
EGT
- (10) 9  
NIN

(c) The play symbols and play symbol captions representing prize amounts shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$4.00  
FOUR
- (4) \$5.00  
FIVE
- (5) \$7.00  
SEVEN
- (6) \$10.00  
TEN
- (7) \$20.00  
TWENTY
- (8) \$25.00  
TWY FIVE
- (9) \$40.00  
FORTY
- (10) \$100  
ONE HUN
- (11) \$777  
SVHSTSN

SECTION 4. The holder of a ticket in scratch-off game number 732 shall remove the latex material covering the sixteen (16) play symbols and play symbol captions. If the play symbol and play symbol caption of a black "7" is exposed in "GAME 1", "GAME 2", "GAME 3", or "GAME 4", the holder is entitled to the associated prize amount. If the play symbol and play symbol caption of a red "7" is exposed in any game, the holder is entitled to double the associated prize amount. The prize amounts and number of winners in scratch-off game number 732 are as follows:

Winning Prize Play Symbol	Prize Amount	Approximate Number of Winners
1 - \$1.00	\$1	440,800
1 - \$2.00	\$2	91,200

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1 – \$1.00 with red 7	\$2	212,800
1 – \$4.00	\$4	15,200
4 – \$1.00	\$4	15,200
1 – \$2.00 with red 7	\$4	76,000
1 – \$7.00	\$7	7,600
3 – \$1.00 + 1 – \$2.00 with red 7	\$7	22,800
1 – \$10.00	\$10	7,600
1 – \$5.00 with red 7	\$10	30,400
3 – \$2.00 + 1 – \$4.00	\$10	7,600
1 – \$20.00	\$20	7,600
1 – \$10.00 with red 7	\$20	7,600
1 – \$40.00	\$40	1,900
4 – \$10.00	\$40	1,957
1 – \$100	\$100	380
2 – \$25.00 + 1 – \$25.00 with red 7	\$100	1,045
1 – \$777	\$777	19

SECTION 5. (a) There shall be approximately four million five hundred thousand (4,500,000) scratch-off tickets initially available in scratch-off game number 732.

(b) The odds of winning a prize in scratch-off game number 732 are approximately 1 in 4.81.

(c) All reorders of tickets for scratch-off game number 732 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of two hundred forty thousand (240,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 732 is November 30, 2005.

SECTION 7. This document expires December 31, 2005.

*LSA Document #04-281(E)*

*Filed with Secretary of State: October 20, 2004, 11:45 a.m.*

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-282(E)

#### DIGEST

Temporarily adds rules concerning scratch-off game number 733. Effective October 22, 2004.

SECTION 1. The name of this scratch-off game is “Scratch-Off Game Number 733, Deluxe 7-11-21”.

SECTION 2. Scratch-off tickets in scratch-off game number 733 shall sell for two dollars (\$2) per ticket.

SECTION 3. (a) Each scratch-off ticket in scratch-off

game number 733 shall contain twenty-four (24) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Four (4) play symbols and play symbol captions shall appear in the areas labeled “GAME 1”, “GAME 2”, “GAME 3”, “GAME 4”, “GAME 5”, and “GAME 6”, respectively. Three (3) play symbols and play symbol captions representing numbers shall appear in each game. One (1) play symbol and play symbol caption representing a prize amount shall also appear in each game.

(b) The play symbols and play symbol captions in scratch-off game number 733, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 8  
EGT
- (8) 9  
NIN
- (9) 10  
TEN
- (10) 12  
TWLV
- (11) 13  
THRTN
- (12) 14  
FORTN
- (13) 15  
FIFTN

(c) The play symbols and play symbol captions representing prize amounts in scratch-off game number 733 shall consist of the following possible play symbols and play symbol captions:

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$4.00  
FOUR
- (4) \$5.00  
FIVE
- (5) \$7.00  
SEVEN

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- (6) \$10.00  
TEN
- (7) \$11.00  
ELEVEN
- (8) \$20.00  
TWENTY
- (9) \$21.00  
TWY ONE
- (10) \$30.00  
THIRTY
- (11) \$50.00  
FIFTY
- (12) \$100  
ONE HUN
- (13) \$200  
TWO HUN
- (14) \$400  
FOUR HUN
- (15) \$500  
FIV HUN
- (16) \$1,000  
ONE THOU
- (17) \$10,000  
TEN THOU
- (18) \$21,000  
TWY ONE THOU

1 – \$50.00	\$50	1,450
5 – \$10.00 + 1 + \$50.00	\$100	500
5 – \$20.00	\$100	500
1 – \$10.00 + 3 – \$20.00 + 1 – \$30.00	\$100	450
1 – \$100	\$100	450
2 – \$200	\$400	200
1 – \$400	\$400	175
1 – \$1,000	\$1,000	16
5 – \$100 + 1 – \$500	\$1,000	16
1 – \$10,000	\$10,000	4
1 – \$21,000	\$21,000	4

SECTION 4. The holder of a ticket in scratch-off game number 733 shall remove the latex material covering the twenty-four (24) play symbols and play symbol captions. If the three (3) play symbols and play symbol captions representing numbers in “GAME 1”, “GAME 2”, “GAME 3”, “GAME 4”, “GAME 5”, or “GAME 6” total seven (7), eleven (11), or twenty-one (21) when added, the holder is entitled to the associated prize amount. A holder may win up to four (4) times on a ticket. The winning play symbols, prize amounts, and approximate number of winners in scratch-off game number 733 are as follows:

Number of Winning Prize Symbols	Prize Amount	Approximate Number of Winners
1 – \$2.00	\$2	315,000
1 – \$4.00	\$4	180,000
3 – \$2.00 + 1 – \$1.00	\$7	60,000
1 – \$7.00	\$7	30,000
5 – \$2.00 + 1 – \$1.00	\$11	15,000
2 – \$5.00 + 1 – \$1.00	\$11	15,000
1 – \$11.00	\$11	15,000
2 – \$10.00 + 1 – \$1.00	\$21	15,000
4 – \$5.00 + 1 – \$1.00	\$21	7,500
1 – \$21.00	\$21	7,500
1 – \$20.00 + 1 – \$30.00	\$50	2,500
5 – \$10.00	\$50	2,500

SECTION 5. (a) There shall be approximately three million (3,000,000) scratch-off tickets initially available in scratch-off game number 733.

(b) The odds of winning a prize in scratch-off game number 733 are approximately 1 in 4.49.

(c) All reorders of tickets for scratch-off game number 733 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order.

SECTION 6. The last day to claim a prize in scratch-off game number 733 is November 30, 2005.

SECTION 7. This document expires December 31, 2005.

*LSA Document #04-282(E)*

*Filed with Secretary of State: October 20, 2004, 11:45 a.m.*

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-283(E)

#### DIGEST

Adds 65 IAC 4-349 concerning scratch-off game number 734. Effective October 22, 2004.

#### 65 IAC 4-349

SECTION 1. 65 IAC 4-349 IS ADDED TO READ AS FOLLOWS:

#### Rule 349. Scratch-Off Game 734

#### 65 IAC 4-349-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

## Emergency Rules

**Sec. 1. The name of this scratch-off game is “Scratch-Off Game Number 734, Deck the Halls”.** (*State Lottery Commission; 65 IAC 4-349-1; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 975, eff Oct 22, 2004*)

**65 IAC 4-349-2 Ticket price**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

**Sec. 2. Scratch-off tickets in scratch-off game number 734 shall sell for five dollars (\$5) per ticket.** (*State Lottery Commission; 65 IAC 4-349-2; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 976, eff Oct 22, 2004*)

**65 IAC 4-349-3 Scratch-off ticket layout**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

**Sec. 3. Each scratch-off ticket in scratch-off game number 734 shall contain forty (40) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. There shall be ten (10) separate and independent games labeled “HAND 1”, “HAND 2”, “HAND 3”, “HAND 4”, “HAND 5”, “HAND 6”, “HAND 7”, “HAND 8”, “HAND 9”, and “HAND 10”, respectively. Each game shall contain three (3) play symbols and play symbol captions representing playing cards and one (1) play symbol and play symbol caption representing a prize amount.** (*State Lottery Commission; 65 IAC 4-349-3; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 976, eff Oct 22, 2004*)

**65 IAC 4-349-4 Play symbols**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

**Sec. 4. (a) The play symbols and play symbol captions in scratch-off game number 734, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:**

(1)	2 TWO
(2)	3 THR
(3)	4 FOR
(4)	5 FIV
(5)	6 SIX
(6)	7 SVN
(7)	8 EGT
(8)	9 NIN
(9)	10 TEN

(10)	J JCK
(11)	Q QUN
(12)	K KNG
(13)	A ACE
(14)	\$\$ WIN

**(b) The play symbols and play symbol captions representing prize amounts in scratch-off game number 734 shall consist of the following possible play symbols and play symbol captions:**

- (1) \$1.00  
ONE
- (2) \$2.00  
TWO
- (3) \$3.00  
THREE
- (4) \$5.00  
FIVE
- (5) \$10.00  
TEN
- (6) \$15.00  
FIFTEEN
- (7) \$20.00  
TWENTY
- (8) \$25.00  
TWY FIVE
- (9) \$40.00  
FORTY
- (10) \$50.00  
FIFTY
- (11) \$100  
ONE HUN
- (12) \$400  
FOR HUN
- (13) \$500  
FIV HUN
- (14) \$1,000  
ONE THOU
- (15) \$10,000  
TEN THOU
- (16) \$100,000  
HUN THOU

*(State Lottery Commission; 65 IAC 4-349-4; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 976, eff Oct 22, 2004)*

**65 IAC 4-349-5 How to play**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

**Sec. 5. The holder of a ticket in scratch-off game number 734 shall remove the latex material covering the forty (40) play**

## Emergency Rules

symbols and play symbol captions. If three (3) like play symbols and play symbol captions exposed in “HAND 1”, “HAND 2”, “HAND 3”, “HAND 4”, “HAND 5”, “HAND 6”, “HAND 7”, “HAND 8”, or “HAND 9” match, the holder is entitled to the prize amount for that hand. If the play symbol “\$\$” is exposed in any hand, the holder is automatically entitled to the associated prize amount. Play symbols and play symbol captions representing playing cards are valued in descending order with aces as the high cards and face cards valued at ten (10). (State

*Lottery Commission; 65 IAC 4-349-5; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 976, eff Oct 22, 2004)*

### 65 IAC 4-349-6 Number of prizes

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 6. The number of matches, paired prize amount play symbols, total prize amounts, and number of winners in scratch-off game number 734 are as follows:

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$2.00 + 1 – \$3.00 with \$\$	\$5	183,600
1 – \$5.00	\$5	61,200
10 – \$1.00	\$10	61,200
5 – \$2.00	\$10	61,200
2 – \$5.00	\$10	61,200
1 – \$5.00 + 1 – \$10.00 with \$\$	\$15	15,300
1 – \$15.00	\$15	5,100
10 – \$2.00	\$20	5,100
2 – \$5.00 + 1 – \$10.00 with \$\$	\$20	20,400
4 – \$5.00	\$20	5,100
1 – \$20.00	\$20	10,200
4 – \$10.00	\$40	1,700
8 – \$5.00	\$40	1,700
1 – \$40.00	\$40	1,700
2 – \$10.00 + 1 – \$20.00 with \$\$	\$40	9,350
4 – \$5.00 + 3 – \$10.00	\$50	850
10 – \$5.00	\$50	850
8 – \$5.00 + 1 – \$10.00 with \$\$	\$50	2,227
1 – \$50.00	\$50	850
1 – \$100 with \$\$	\$100	2,890
10 – \$10.00	\$100	850
4 – \$25.00	\$100	850
6 – \$10.00 + 2 – \$20.00	\$100	850
1 – \$100	\$100	850
8 – \$50.00 + 1 – \$100 with \$\$	\$500	442
10 – \$50.00	\$500	170
2 – \$500	\$1,000	102
1 – \$1,000	\$1,000	102
5 – \$100 + 1 – \$500 with \$\$ + 3 – \$1,000	\$4,000	8
10 – \$400	\$4,000	8
10 – \$1,000	\$10,000	4
1 – \$10,000	\$10,000	4
1 – \$100,000	\$100,000	8

*(State Lottery Commission; 65 IAC 4-349-6; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 977, eff Oct 22, 2004)*

### 65 IAC 4-349-7 Number of tickets; odds; reorders

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 7. (a) There shall be approximately two million (2,000,000) scratch-off tickets initially available in scratch-off game number 734.

(b) The odds of winning a prize in scratch-off game number 734 are approximately 1 in 3.95.

(c) All reorders of tickets for scratch-off game number 734 shall have the same:

- (1) prize structure;
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and
- (3) odds;

as contained in the initial order. *(State Lottery Commission; 65 IAC 4-349-7; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 977, eff Oct 22, 2004)*

## Emergency Rules

### 65 IAC 4-349-8 Last day to claim prizes

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 8. Players will have up to sixty (60) days from the end of scratch-off game number 734 within which to claim their prizes. Game end dates are available on the commission's Web site at [www.hoosierlottery.com](http://www.hoosierlottery.com) or may be obtained through the commission's toll-free customer service number or from any scratch-off ticket retailer. (State Lottery Commission; 65 IAC 4-349-8; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 978, eff Oct 22, 2004)

SECTION 2. SECTION 1 of this document takes effect October 22, 2004.

LSA Document #04-283(E)

Filed with Secretary of State: October 20, 2004, 11:45 a.m.

### TITLE 65 STATE LOTTERY COMMISSION

LSA Document #04-284(E)

#### DIGEST

Adds 65 IAC 4-352 concerning scratch-off game number 735. Effective October 29, 2004.

### 65 IAC 4-352

SECTION 1. 65 IAC 4-352 IS ADDED TO READ AS FOLLOWS:

#### Rule 352. Scratch-Off Game 735

### 65 IAC 4-352-1 Name

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 1. The name of this scratch-off game is "Scratch-Off Game Number 735, Cool Millions". (State Lottery Commission; 65 IAC 4-352-1; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 978, eff Oct 29, 2004)

### 65 IAC 4-352-2 Ticket price

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 2. Scratch-off tickets in scratch-off game number 735 shall sell for twenty dollars (\$20) per ticket. (State Lottery Commission; 65 IAC 4-352-2; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 978, eff Oct 29, 2004)

### 65 IAC 4-352-3 Scratch-off ticket layout

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec. 3. Each scratch-off ticket in scratch-off game number

735 shall contain forty-eight (48) play symbols and play symbol captions in the game play data area all concealed under a large spot of latex material. Eight (8) play symbols and play symbol captions shall appear in the area labeled "WINNING NUMBERS". Forty (40) play symbols and play symbol captions shall appear in the area labeled "YOUR NUMBERS", arranged in pairs representing numbers or pictures and prize amounts. (State Lottery Commission; 65 IAC 4-352-3; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 978, eff Oct 29, 2004)

### 65 IAC 4-352-4 Play symbols and play symbol captions

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

Sec 4. (a) The play symbols and play symbol captions in scratch-off game number 735, other than those representing prize amounts, shall consist of the following possible play symbols and play symbol captions:

- (1) 1  
ONE
- (2) 2  
TWO
- (3) 3  
THR
- (4) 4  
FOR
- (5) 5  
FIV
- (6) 6  
SIX
- (7) 7  
SVN
- (8) 8  
EGT
- (9) 9  
NIN
- (10) 10  
TEN
- (11) 11  
ELV
- (12) 12  
TLV
- (13) 13  
TRN
- (14) 14  
FRN
- (15) 15  
FTN
- (16) 16  
SXT
- (17) 17  
SVT
- (18) 18  
ETN
- (19) 19  
NTN

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## Emergency Rules

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(20) 20	(48) 48
TWY	FRE
(21) 21	(49) 49
TWN	FNI
(22) 22	(50) 50
TWT	FTY
(23) 23	(51) 51
TWR	FYO
(24) 24	(52) 52
TWF	FYT
(25) 25	(53) 53
TWW	FYH
(26) 26	(54) 54
TWS	FYF
(27) 27	(55) 55
TSN	FVY
(28) 28	(56) 56
TWE	FYS
(29) 29	(57) 57
TNI	FYN
(30) 30	(58) 58
TTY	FYE
(31) 31	(59) 59
THO	FNN
(32) 32	(60) 60
THT	SXY
(33) 33	(61) A picture of a stocking hat
TTH	HAT
(34) 34	
TTF	
(35) 35	
THF	
(36) 36	
THS	
(37) 37	
TTS	
(38) 38	
THE	
(39) 39	
THN	
(40) 40	
FRY	
(41) 41	
FRO	
(42) 42	
FRT	
(43) 43	
FTH	
(44) 44	
FRF	
(45) 45	
FRV	
(46) 46	
FRS	
(47) 47	
FSN	

(b) The play symbols and play symbol captions representing prize amounts in scratch-off game number 735 shall consist of the following possible play symbols and play symbol captions:

- (1) \$5.00  
  FIVE
- (2) \$10.00  
  TEN
- (3) \$20.00  
  TWENTY
- (4) \$25.00  
  TWY FIVE
- (5) \$40.00  
  FORTY
- (6) \$50.00  
  FIFTY
- (7) \$100  
  ONE HUN
- (8) \$200  
  TWO HUN
- (9) \$500  
  FIVE HUN
- (10) \$1,000  
  ONE THOU
- (11) \$10,000  
  TEN THOU
- (12) \$50,000

## Emergency Rules

**FTY THOU**  
**(13) \$100,000**  
**HUN THOU**  
**(14) \$1,000,000**  
**ONE MIL**

*(State Lottery Commission; 65 IAC 4-352-4; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 978, eff Oct 29, 2004)*

**65 IAC 4-352-5 How to play**

Authority: IC 4-30-3-7; IC 4-30-3-9  
 Affected: IC 4-30

**Sec. 5. The holder of a ticket in scratch-off game number 735 shall remove the latex material covering the forty-eight (48) play symbols and play symbol captions. If one (1) or more of "YOUR**

**NUMBERS" match any of the "WINNING NUMBERS", the holder is entitled to the prize amount paired with the matched number. If the play symbol of a stocking hat with the play symbol caption "WIN" is exposed in the "YOUR NUMBERS" area, the player is automatically entitled to the paired prize amount. (State Lottery Commission; 65 IAC 4-352-5; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 980, eff Oct 29, 2004)**

**65 IAC 4-352-6 Number of prizes**

Authority: IC 4-30-3-7; IC 4-30-3-9  
 Affected: IC 4-30

**Sec. 6. The number of matches, paired prize amount play symbols, total prize amounts, and number of winners in scratch-off game number 735 are as follows:**

Number of Matches and Paired Prize Amount Play Symbols	Total Prize Amount	Approximate Number of Winners
1 – \$10.00 + 1 \$10.00 with hat	\$20	96,000
1 – \$20.00	\$20	96,000
1 – \$5.00 with hat + 2 – \$10.00	\$25	48,000
1 – \$25.00	\$25	48,000
2 – \$5.00 + 3 – \$10.00	\$40	24,000
3 – \$10.00 + 1 – \$10.00 with hat	\$40	12,000
1 – \$40.00	\$40	12,000
10 – \$5.00	\$50	12,000
4 – \$10.00 + 1 – \$10.00 with hat	\$50	6,000
1 – \$50.00	\$50	6,000
20 – \$5.00	\$100	12,000
9 – \$10.00 + 1 – \$10.00 with hat	\$100	6,000
1 – \$100	\$100	6,000
20 – \$10.00	\$200	2,500
10 – \$20.00	\$200	2,500
1 – \$10.00 + 2 – \$20.00 + 2 – \$50.00 + 1 – \$50.00 with hat	\$200	2,500
4 – \$50.00	\$200	2,500
1 – \$200	\$200	2,500
15 – \$20.00 + 4 – \$50.00	\$500	500
10 – \$50.00	\$500	300
6 – \$50.00 + 1 – \$100 + 1 – \$100 with hat	\$500	300
5 – \$100	\$500	300
1 – \$500	\$500	300
20 – \$50.00	\$1,000	120
10 – \$50.00 + 5 – \$100	\$1,000	120
10 – \$100	\$1,000	120
4 – \$200 + 1 – \$200 with hat	\$1,000	120
1 – \$1,000	\$1,000	120
20 – \$500	\$10,000	30
1 – \$10,000	\$10,000	30
1 – \$50,000 + 1 – \$50,000 with hat	\$100,000	2
1 – \$100,000	\$100,000	2
1 – \$1,000,000	\$1,000,000	2

*(State Lottery Commission; 65 IAC 4-352-6; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 980, eff Oct 29, 2004)*

**65 IAC 4-352-7 Number of tickets; odds; reorders**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

**Sec. 7. (a) There shall be approximately one million (1,000,000) scratch-off tickets initially available in scratch-off game number 735.**

**(b) The odds of winning a prize in scratch-off game number 735 are approximately 1 in 3.02.**

**(c) All reorders of tickets for scratch-off game number 735 shall have the same:**

- (1) prize structure;**
- (2) number of prizes per prize pool of one hundred twenty thousand (120,000); and**
- (3) odds;**

**as contained in the initial order.** *(State Lottery Commission; 65 IAC 4-352-7; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 981, eff Oct 29, 2004)*

**65 IAC 4-352-8 Last day to claim prizes**

Authority: IC 4-30-3-7; IC 4-30-3-9  
Affected: IC 4-30

**Sec. 8. Players will have up to sixty (60) days from the end of scratch-off game number 735 within which to claim their prizes. Game end dates are available on the commission's Web site at [www.hoosierlottery.com](http://www.hoosierlottery.com) or may be obtained through the commission's toll-free customer service number or from any scratch-off ticket retailer.** *(State Lottery Commission; 65 IAC 4-352-8; emergency rule filed Oct 20, 2004, 11:45 a.m.: 28 IR 981, eff Oct 29, 2004)*

**SECTION 2. SECTION 1 of this document takes effect October 29, 2004.**

*LSA Document #04-284(E)  
Filed with Secretary of State: October 20, 2004, 11:45 a.m.*

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**TITLE 312 NATURAL RESOURCES COMMISSION**

LSA Document #04-285(E)

**DIGEST**

Temporarily amends 312 IAC 9-3-4, which governs hunting of deer by bow and arrows, to allow the taking of a deer of either sex with a crossbow during the late bow season. Effective October 20, 2004.

**SECTION 1. Notwithstanding 312 IAC 9-3-4(i), a person may use a crossbow to take a deer of either sex during the late bow season from the first Saturday after the firearms season through the first Sunday in January.**

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## Change in Notice of Public Hearing

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### TITLE 326 AIR POLLUTION CONTROL BOARD

LSA Document #00-236

The Air Pollution Control Board gives notice that the date of the public hearing for consideration of final adoption of LSA Document #00-236, printed at 28 IR 627, has been changed. The changed Notice of Public Hearing appears below:

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on **January 5, 2005**, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on the addition of 326 IAC 7-4.1, amendments to 326 IAC 7-1.1-1, 326 IAC 7-1.1-2, and 326 IAC 7-2-1, and the repeal of 326 IAC 7-4-1.1.*

*The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Christine Pedersen, Rules Development Section, Office of Air Quality, (317) 233-6868 or (800) 451-6027, press 0, and ask for extension 3-6868 (in Indiana). If the date of this hearing is changed, it will be noticed in the Change in Notice of Public Hearing section of the Indiana Register. Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator*

*Indiana Department of Environmental Management*

*100 North Senate Avenue*

*P.O. Box 6015*

*Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers also may contact the agency via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East, Indianapolis, Indiana and are open for public inspection.*

Janet McCabe  
Assistant Commissioner  
Office of Air Quality

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### TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

LSA Document #04-56

The Fire Prevention and Building Safety Commission gives notice that the date of the **second** public hearing for LSA Document #04-56, printed at 27 IR 2859, has been changed. The changed Notice of Public Hearing appears below:

#### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on **January 4, 2005**, at **10:00 a.m.**, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana, the Fire Prevention and Building Safety Commission will hold a public hearing on proposed amendments to the 2003 Indiana Fire Code, 675 IAC 22-2.3, to make substantive and clarifying changes. Copies of these rules are now on file at the Department of Fire and Building Services, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana are open for public inspection.*

Luther J. Taylor, Sr.

Secretary

Fire Prevention and Building Safety Commission

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## Notice of Intent to Adopt a Rule

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### TITLE 45 DEPARTMENT OF STATE REVENUE

LSA Document #04-292

Under IC 4-22-2-23, the Department of State Revenue intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 45 IAC 20 concerning the conduct of charity gaming activities by qualified organizations licensed by the department of state revenue. Repeals 45 IAC 18. Statutory authority: IC 4-32-7-3; IC 4-22-8-3.

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### TITLE 105 INDIANA DEPARTMENT OF TRANSPORTATION

LSA Document #04-289

Under IC 4-22-2-23, the Indiana Department of Transportation intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 105 IAC 12 concerning the procurement of supplies and services. The rule will add sections concerning the following: the definitions of “Offer” and “Offeror”; “Public Inspection” of the contract files and what is excluded from public inspection; “Sanctions” for providing false information to the Department; “United States manufactured Product Definition, Policy, Certification and Enforcement”; and the requirements concerning the use of “Steel Products”. The rule will also modify sections including, but not limited to, the following: “Withdrawal of bids or proposals”; the cancellation of any bids or proposals; communications with the offeror who submit proposals for a contract; and added language to several sections concerning what is subject to public inspection. The rule will also make changes to clarify sections and make technical changes. Comments on the proposed rule may be sent to the Indiana Department of Transportation, Attn: Michelle C. Hilary, 100 N. Senate Ave. N730, Indianapolis, IN 46204 or by electronic mail to mhilary@indot.state.in.us. Statutory authority: IC 5-22; IC 8-23-2-6.

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### TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #04-294

Under IC 4-22-2-23, the Natural Resources Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 312 IAC 11-3-1 to include additional characteristics that would disqualify a pier from treatment under a general license. Included among these disqualifying characteristics are encirclement or isolation of public waters, length in excess of 75 feet, retention in a lake during the winter, obstruc-

tion of the free flow of water, lack of permission from the riparian owner, and undue restriction of public use. Questions concerning the proposed rule amendments may be directed to the following telephone number: (317) 232-4699 or e-mail slucas@nrc.in.gov. Statutory authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-26-2-23.

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### TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #04-286

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will amend requirements for the production, transportation, and processing of milk and milk products including updating matters incorporated by reference. Makes other substantive and technical changes in the law of milk and milk products inspection. Comments on the proposed rule may be sent to the Indiana State Board of Animal Health, Attention: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, IN 46224 or by electronic mail to ghaynes@boah.state.in.us. Statutory authority: IC 15-2.1-3-19; IC 15-2.1-23-6.

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### TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

LSA Document #04-287

Under IC 4-22-2-23, the Indiana State Board of Animal Health intends to adopt a rule concerning the following:

**OVERVIEW:** The rule will add controls on the movement of cervid carcasses and parts and cervid products into the state to control chronic wasting disease. Comments on the proposed rule may be sent to the Indiana State Board of Animal Health, Attention: Legal Affairs, 805 Beachway Drive, Suite 50, Indianapolis, Indiana 46224 or by electronic mail to ghaynes@boah.in.gov. Statutory authority: IC 15-2.1-3-19.

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### TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

LSA Document #04-296

Under IC 4-22-2-23, the Division of Disability, Aging, and Rehabilitative Services intends to adopt a rule concerning the following:

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## Notice of Intent to Adopt a Rule

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**OVERVIEW:** Adds 460 IAC 9 concerning adult foster care services under the family and social services administration. Included are sections regarding provider requirements, including eligibility, enrollment, certification, training, and care and service standards. The rule provides for consumer eligibility requirements, both medical and financial, as well as provisions regarding an assessment tool and consumer rights. The rule addresses case manager responsibilities. It also includes sections for quality assessment, monitoring, and provider compliance. Necessary definitions are also part of the rule. It will become effective 30 days after filing with the secretary of state. Statutory authority: IC 12-8-8-4; IC 12-9-2-3.

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### TITLE 470 DIVISION OF FAMILY AND CHILDREN

LSA Document #04-298

Under IC 4-22-2-23, the Division of Family and Children intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 470 IAC 3-11 and 470 IAC 3-12 to alter various provisions. Statutory authority: IC 12-13-5-3; IC 12-17.4-2-4.

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### TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

LSA Document #04-297

Under IC 4-22-2-23, the Board of Firefighting Personnel Standards and Education intends to adopt a rule concerning the following:

**OVERVIEW:** The proposed addition to 655 IAC 1 is for the purpose of adding certification for National Incident Management System - First Responder and making conforming section changes. Statutory authority: IC 22-12-7-7; IC 22-14-2-7.

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### TITLE 816 BOARD OF BARBER EXAMINERS

LSA Document #04-291

Under IC 4-22-2-23, the Board of Barber Examiners intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 816 IAC 1-2-18 to allow barber school students to transfer from one barber school to another barber school without board approval and to establish the

transfer process. Questions or comments concerning the proposed rule may be directed to: Indiana Professional Licensing Agency, ATTENTION: Board Director, Indiana Government Center-South, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by electronic mail at [pla12@pla.state.in.us](mailto:pla12@pla.state.in.us). Statutory authority: IC 25-7-5-14; IC 25-7-5-15.

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### TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION

LSA Document #04-288

Under IC 4-22-2-23, the Indiana Emergency Medical Services Commission intends to adopt a rule concerning the following:

**OVERVIEW:** Adds 836 IAC 5 to establish requirements and provisions applicable to the certification and regulation of emergency medical dispatch agencies and emergency medical dispatchers to implement IC 16-31-3.5. Questions or comments on the adoption may be directed by mail to the Indiana Emergency Medical Services Commission, Indiana Government Center-South, 302 W. Washington Street, Room E208, Indianapolis, Indiana 46204 or by electronic mail to [rstump@sema.state.in.us](mailto:rstump@sema.state.in.us). Statutory authority: IC 16-31-2-7; IC 16-31-3-14; IC 16-31-3-14.5; IC 16-31-3-20; IC 16-31-3.5-7.

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### TITLE 872 INDIANA BOARD OF ACCOUNTANCY

LSA Document #04-290

Under IC 4-22-2-23, the Indiana Board of Accountancy intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 872 IAC 1-2-1 to address the ethical requirements for licensees by incorporating by reference the July 1, 2004, pronouncements on professional standards of the American Institute of Certified Public Accountants (to apply to certified public accountants) and the May 1, 2003, Rules of Professional Conduct of the National Society of Accountants (to apply to accounting practitioners and public accountants). Questions or comments concerning the proposed rules may be directed to: Indiana Professional Licensing Agency, ATTENTION: Board Director, Indiana Government Center-South, 302 West Washington Street, Room E034, Indianapolis, Indiana 46204-2700 or by electronic mail at [pla1@pla.state.in.us](mailto:pla1@pla.state.in.us). Statutory authority: IC 25-2.1-2-15.

**TITLE 888 INDIANA BOARD OF VETERINARY  
MEDICAL EXAMINERS**

LSA Document #04-295

Under IC 4-22-2-23, the Indiana Board of Veterinary Medical Examiners intends to adopt a rule concerning the following:

**OVERVIEW:** Amends 888 IAC 1.1-8-3 to revise the passing examination score on the veterinary technology examination for veterinary technicians. Effective 30 days after filing with the secretary of state. Questions or comments concerning the proposed rule may be directed to: Indiana Board of Veterinary Medical Examiners, ATTENTION: Board Director, Indiana Government Center-South, 402 West Washington Street, Room W066, Indianapolis, Indiana 46204 or by electronic mail at [cvaught@hpb.state.in.us](mailto:cvaught@hpb.state.in.us). Statutory authority: IC 15-5-1.1-8.

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## Proposed Rules

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### TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT COMMISSION

Proposed Rule  
LSA Document #04-123

#### DIGEST

Adds 28 IAC concerning the purchasing and maintaining of information technology products to be compliant with Section 508 of the Rehabilitation Act standards. Effective 30 days after filing with the secretary of state.

#### 28 IAC

SECTION 1. 28 IAC IS ADDED TO READ AS FOLLOWS:

### TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT COMMISSION

#### ARTICLE 1. TECHNOLOGY ACCESSIBILITY

##### Rule 1. Accessibility Standards

#### 28 IAC 1-1-1 Accessibility standards and applicability

Authority: IC 4-23-16-12  
Affected: IC 5-22-5

Sec. 1. The standards developed under this rule shall apply to the executive, legislative, judicial, and administrative branches of state and local government. (*State Information Technology Oversight Commission; 28 IAC 1-1-1*)

#### 28 IAC 1-1-2 Federal standards

Authority: IC 4-23-16-12  
Affected: IC 5-22-5

Sec. 2. In the interest of maintaining consistency with federal standards, the state information technology oversight commission adopted the federal standards published by the federal Architectural and Transportation Barriers Compliance Board under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended. (*State Information Technology Oversight Commission; 28 IAC 1-1-2*)

#### 28 IAC 1-1-3 Information technology

Authority: IC 4-23-16-12  
Affected: IC 5-22-5

Sec. 3. Information technology equipment, software, and services that are developed, procured, maintained, or used by governmental units in the state of Indiana must comply with these standards. This includes Web pages hosted by or for Indiana units of government. (*State Information Technology Oversight Commission; 28 IAC 1-1-3*)

#### 28 IAC 1-1-4 Compliance

Authority: IC 4-23-16-12  
Affected: IC 5-22-5

Sec. 4. Governmental units must include compliance to these standards as a requirement in any procurement solicitation, bid, quotation, or contract for information technology related products or services. The vendor will be responsible for validating compliance to these standards. If, however, the product or service is commercially unavailable or an undue burden is imposed upon the agency, then the agency must get a waiver approved by state information technology oversight commission's assistive technology standards group before a special procurement may be awarded. A cost difference of more than fifteen percent (15%) will be considered an undue burden. (*State Information Technology Oversight Commission; 28 IAC 1-1-4*)

##### Rule 2. Exclusions to the Accessibility Standards

#### 28 IAC 1-2-1 Exclusions

Authority: IC 4-23-16-12  
Affected: IC 5-22-5

Sec. 1. Voting systems are excluded from this rule as they are covered under the Help America Vote Act (HAVA), 42 U.S.C. 15481, Section 301(a)(3). Web sites that are linked from Indiana government pages but are not hosted by or for Indiana governmental units are not required to comply. Students who develop Web pages as part of their educational curriculum are not required to comply. (*State Information Technology Oversight Commission; 28 IAC 1-2-1*)

##### Rule 3. Waiver Requests

#### 28 IAC 1-3-1 Waiver requests

Authority: IC 4-23-16-12  
Affected: IC 5-22-5

Sec. 1. To request a waiver for compliance to the standards, a request for waiver of assistive technology standards must be submitted from the agency head or the agency information technology or management information services director to the assistive technology standards group for review and approval. If approved, the waiver will be in effect for the earlier of one (1) year from approval date or when a compliant product is available. The requesting agency will be notified in writing of the waiver approval or disapproval. (*State Information Technology Oversight Commission; 28 IAC 1-3-1*)

##### Rule 4. Availability of References

#### 28 IAC 1-4-1 Availability of references

Authority: IC 4-23-16-12  
Affected: IC 5-22-5

Sec. 4. (a) The federal Architectural and Transportation Barriers Compliance Board under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended can be found at <http://www.access-board.gov/sec508/guide/index.htm>.

(b) Attain (<http://www.attaininc.org>) and the Governor's Planning Council for People with Disabilities (<http://www.in.gov/gpcpd>) are available to assist governmental units in the procurement of information technology products and services that are compliant with these standards.

(c) Indiana Institute on Disability and Community ([www.iidc.indiana.edu](http://www.iidc.indiana.edu)) is available to assist governmental units in procurement of information technology products and services that are compliant with these standards. (State Information Technology Oversight Commission; 28 IAC 1-4-1)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 6, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana the State Information Technology Oversight Commission will hold a public hearing on a proposed new rule concerning the requirements for accessibility for the disabled in technology procurements and operations of state and local government entities. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N551 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Landwer  
Chairman  
State Information Technology Oversight Commission

TITLE 40 STATE ETHICS COMMISSION

Proposed Rule  
LSA Document #04-198

DIGEST

Adds 40 IAC 2-1-5.5 concerning ethics education. Amends 40 IAC 2-1-6 concerning acceptable gifts, favors, services, entertainment, food, drink, and honoraria. Amends 40 IAC 2-1-7 concerning appearances, activities, and expenses. Effective 30 days after filing with the secretary of state.

- 40 IAC 2-1-5.5
- 40 IAC 2-1-6
- 40 IAC 2-1-7

SECTION 1. 40 IAC 2-1-5.5 IS ADDED TO READ AS FOLLOWS:

40 IAC 2-1-5.5 Ethics education

Authority: IC 4-2-6-3  
Affected: IC 4-2-6

Sec. 5.5. Each agency's appointing authority shall:

- (1) require all new employees to participate in ethics training within six (6) weeks of the employee's starting employment date with the agency;
- (2) require all employees to participate in ethics training at least every two (2) years during an employee's tenure with the agency; and
- (3) maintain documentation to demonstrate employee compliance with subdivisions (1) and (2).

(State Ethics Commission; 40 IAC 2-1-5.5)

SECTION 2. 40 IAC 2-1-6 IS AMENDED TO READ AS FOLLOWS:

40 IAC 2-1-6 Acceptable gifts, favors, services, entertainment, food, drink, and honoraria

Authority: IC 4-2-6-3  
Affected: IC 3-9-2; IC 4-2-6

Sec. 6. (a) A state employee, or the spouse or unemancipated child of a state employee, shall not solicit, accept, or receive nor shall a donor offer, directly or indirectly, any gift, favor, service, entertainment, food, or drink under circumstances in which it can reasonably be inferred that the thing of value would from a person who has a business relationship with the employee's agency or is seeking to influence the employee to give special consideration to an action by such the employee in his or her official capacity. This section does not prohibit normal gift-giving from relatives of gifts with an aggregate value of less than two hundred fifty dollars (\$250) or political contributions subject to IC 3-9-2 which are reported in accordance with applicable law. In addition, this section does not prohibit contributions which are accepted by an agency in accordance with applicable law. This section may be waived by the state ethics commission for a legitimate public purpose.

(b) Without the written approval of the employee's appointing authority or the state officer, an employee shall not accept for personal use any gifts, favors, services, entertainment, food, or drink valued at a total of more than twenty-five dollars (\$25) in a calendar year from a person or business that has a business relationship with the employee's agency. An appointing authority or state officer may designate no more than one (1) person to exercise approval on behalf of the appointing authority or state officer. Such designation shall be in writing and filed with the commission. The following shall not be subject to this section:

- (1) Gifts, from charitable, benevolent, or religious organizations and favors, services, entertainment, food, or drink from public agencies or public institutions.
- (2) Food or drink consumed at a public meeting to which at least twenty-five (25) or more individuals are invited. A meeting will be considered public if:
  - (A) the event is a reception or other gathering for public officials that is not arranged to solicit government procurement of goods or services;

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(B) the employee is giving a speech or participating in a presentation in the employee's official capacity; or

(C) the meeting has a formal **educational** program that the employee is attending to assist him or her in performing official duties.

(3) Mementos or souvenirs of nominal value, received at public ceremonies or commemorating official business;

(4) Invitations or tickets to charitable or political fundraising events if the invitations or tickets are given by the charitable or political entity sponsoring the event. This exception does not apply to a gift of tickets from a person with a business relationship with the employee's agency;

(5) (4) Food or drink consumed by an employee or other reasonable courtesies extended to an employee during negotiations or other activities related to **an a department of commerce** economic development project.

(6) Personal social relationships whereby nominal entertainment expenses are incurred or nominal personal mementos are exchanged on a reciprocal basis; (5) **Gifts, favors, services, entertainment, food, or drinks from relatives**, so long as: such expenses or mementos

(A) **the gifts or other items of value** are not deducted as a business expense; If a state officer or an appointing authority approves in writing the receipt of a gift subject to this rule, the written approval shall be filed with the commission within thirty (30) days of receipt of the gift, and shall identify the employee, the nature and value of the gift, and the donor of the gift. The commission may review such written approvals and require of the state officer or appointing authority an explanation of the reason for the approval; and

(B) **the gift giver is not seeking to influence an action by an employee in his or her official capacity.**

**In cases involving ongoing social relationships, employees should seek a waiver under subsection (b) before accepting a gift.**

(6) **Political contributions subject to IC 3-9-2 that are reported in accordance with applicable law.**

(7) **Nominal refreshments offered to a state employee conducting official state business while he or she is at a workplace of a person who has a business relationship or seeks to influence official action with the employee's agency.**

(8) **Discount and other promotional programs approved and made available to state employees through the state personnel department or the Indiana department of administration.**

(b) **An employee's state officer or appointing authority may waive application of subsection (a) in individual cases when consistent with the public interest. The waiver shall be in writing and shall identify the following:**

(1) **The employee.**

(2) **The nature and value of the gift.**

(3) **The donor of the gift.**

(4) **Why acceptance of the gift is in the public interest.**

**Written waivers must be filed with the commission within thirty (30) days of receipt of the gift. The commission may review the written waivers. An appointing authority or state officer may designate authority to the agency's ethics officer to waive application of this rule on behalf of the appointing authority or state officer. The designation shall be in writing and filed with the commission.**

(c) **A person who has a business relationship with an employee's agency shall not provide any:**

(1) **gifts;**

(2) **favors;**

(3) **services;**

(4) **entertainment;**

(5) **food; or**

(6) **drink;**

**to such employee if the employee would not be permitted to accept the gift, favor, service, entertainment, food, or drink under subsection (a).**

(e) If (d) An employee shall not **personally** accept an honorarium for **himself or herself** for anything **which that** may be considered part of the **state** employee's official duties. **However, a state employee may accept an honorarium in this situation on behalf of the state. The state employee accepting the honorarium shall remit to the treasurer of state any amount received. The treasurer of state shall quietus such funds into the general fund.** A state employee may **personally** accept an honorarium or fee for activities not done in connection with the employee's official duties, **which and that** are prepared on the employee's own time and without the use of state resources, **so long as the employee is not participating by reason of** **However, in no case can a state employee, provided the employee shall not accept an honorarium from any a person over whom the employee has decision making authority. A state employee may accept reimbursements for travel expenses incurred when the employee is not being paid or reimbursed by the state and when an honorarium is not permitted: who has a business relationship or seeks to influence an official action with the employee's agency.**

(e) **Nothing in this section prohibits contributions to agencies that are made in accordance with applicable law. (State Ethics Commission; 40 IAC 2-1-6; filed Mar 10, 1988, 2:00 p.m.: 11 IR 2327; filed Oct 22, 1991, 11:10 a.m.: 15 IR 201; readopted filed Aug 2, 2001, 3:15 p.m.: 24 IR 4227)**

SECTION 3. 40 IAC 2-1-7 IS AMENDED TO READ AS FOLLOWS:

**40 IAC 2-1-7 Appearances; activities; expenses**

Authority: IC 4-2-6-3

Affected: IC 4-2-6

Sec. 7. (a) A state officer or employee shall not solicit, or accept, or receive payment from any person for travel ex-

penses, including, but not limited to, any lodging, ~~travel expenses, transportation, or~~ registration fees, ~~food, or drink~~ for appearance at any meeting, convention, conference, seminar, or similar activity for himself or herself or the individual's spouse or unemancipated child under circumstances in which it can reasonably be inferred that the thing of value would influence the state officer or ~~attending events concerning state business from a person who has a business relationship with the employee's agency or is seeking to influence an action by an employee in his or her official capacity.~~ This section does not prohibit contributions which are accepted by an agency in accordance with applicable law:

(b) Without the written approval of the ~~An~~ employee's appointing authority or the state officer an employee shall not accept payment of expenses, including but not limited to lodging, travel expense, registration fees, food, or drink for attending events concerning state business from a person who has a business relationship with the employee's agency. An appointing authority or state officer may designate no more than one ~~(1)~~ person to exercise approval on behalf of the appointing authority or state officer. Such designation may waive application of subsection (a) in individual cases when consistent with the public interest. The waiver shall be in writing and filed with the commission.

(c) If a state officer or an appointing authority approves in writing the payment of expenses subject to this rule, the written approval shall identify the following:

- (1) The employee.
- (2) The setting of the event.
- (3) The amount and payer of the expenses.
- (4) Why payment of the expenses is in the public interest.

The written waiver shall be filed with the commission ~~the earlier of~~ within thirty (30) days of the event or receipt of the expenses, whichever comes first, and shall identify the employee, the amount of the expenses, and the setting of the event. The commission may review ~~such the~~ written approvals and require of the waivers. A state officer or appointing authority an explanation of the reason for the approval: may designate authority to the agency's ethics officer to waive application of this rule on behalf of the appointing authority or state officer. The designation shall be in writing and filed with the commission.

(c) A person who has a business relationship with an employee's agency shall not pay the employee's travel expenses, including, but not limited to, any lodging, transportation, or registration fees, if the employee would not be permitted to accept the payment under subsection (a) or (b).

(d) Nothing in this section prohibits contributions to agencies that are made in accordance with applicable law.

~~(d)~~ (e) If a person wishes to reimburse the state for any part or all of the expenses incurred by the state for appearances of

a state officer or employee or their official representatives on behalf of the state, ~~such the~~ person is requested to remit to the treasurer of the state any such amounts. The treasurer of the state shall quietus ~~such the~~ funds into the general fund. (*State Ethics Commission; 40 IAC 2-1-7; filed Mar 10, 1988, 2:00 p.m.: 11 IR 2328; filed Oct 22, 1991, 11:10 a.m.: 15 IR 202; readopted filed Aug 2, 2001, 3:15 p.m.: 24 IR 4227*)

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on December 28, 2004 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the State Ethics Commission will hold a public hearing on a proposed addition and amendments concerning the Indiana code of ethics for the conduct of state business. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, W189 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Timothy J. McClure  
Director  
State Ethics Commission

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**TITLE 312 NATURAL RESOURCES COMMISSION**

**Proposed Rule**  
LSA Document #04-210

DIGEST

Adds 312 IAC 5-6-5.5 concerning special watercraft restrictions on public freshwater Lake Manitou in Fulton County to establish a zone within a shallow area of the lake containing emergent vegetation and commonly known as "the Prairie", within which zone boats are limited to idle speed, their motors must be turned off, and anchoring is prohibited. Effective 30 days after filing with the secretary of state.

**312 IAC 5-6-5.5**

SECTION 1. 312 IAC 5-6-5.5 IS ADDED TO READ AS FOLLOWS:

**312 IAC 5-6-5.5 Lake Manitou; special watercraft zones**  
Authority: IC 14-10-2-4; IC 14-15-7-3  
Affected: IC 14; IC 32-19-1-1

**Sec. 5.5. (a) This section establishes restrictions on the operation of watercraft on Lake Manitou in Fulton County.**

**(b) Except as provided in subsection (c), a person must not operate a watercraft in an area, commonly known as the Prairie, which is enclosed by a line of buoys placed as follows:**

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- (1) SPC 2114199 (UTM 4544799) north and SPC 185587 (UTM 568631) east.
- (2) SPC 2114362 (UTM 4544844) north and SPC 184604 (UTM 568331) east.
- (3) SPC 2114620 (UTM 4544921) north and SPC 184241 (UTM 568219) east.
- (4) SPC 2115391 (UTM 4545156) north and SPC 184259 (UTM 568221) east.
- (5) SPC 2115871 (UTM 4545305) north and SPC 184900 (UTM 568414) east.
- (6) SPC 2115720 (UTM 4545262) north and SPC 185534 (UTM 568608) east.
- (7) SPC 2114303 (UTM 4544831) north and SPC 185670 (UTM 568656) east.

(c) A person is exempted from subsection (b) if each of the following requirements is satisfied:

- (1) The watercraft is not a motorboat or is a motorboat that has the motor turned off.
- (2) The watercraft is not operated in excess of idle speed.
- (3) The watercraft is not anchored.

(d) This section expires on April 30, 2008. (*Natural Resources Commission; 312 IAC 5-6-5.5*)

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on January 12, 2005 at 6:00 p.m., at the Rochester City Hall, 320 North Main Street, Rochester, Indiana the Natural Resources Commission will hold a public hearing on special watercraft restrictions on public freshwater Lake Manitou in Fulton County to establish a zone within a shallow area of the lake containing emergent vegetation and commonly known as "the Prairie", within which zone boats are limited to idle speed, their motors must be turned off, and anchoring is prohibited. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission

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## TITLE 315 OFFICE OF ENVIRONMENTAL ADJUDICATION

### Proposed Rule

LSA Document #04-70

### DIGEST

Amends 315 IAC 1-2-1 and 315 IAC 1-3 and adds 315 IAC 1-3-2.1 and 315 IAC 1-3-15 concerning errata, a change in

address, clarifications regarding amendment of pleadings, filing procedures, and changes in judge and status determinations. Effective 30 days after filing with the secretary of state.

315 IAC 1-2-1	315 IAC 1-3-7
315 IAC 1-3-1	315 IAC 1-3-8
315 IAC 1-3-2	315 IAC 1-3-9
315 IAC 1-3-2.1	315 IAC 1-3-10
315 IAC 1-3-3	315 IAC 1-3-12
315 IAC 1-3-4	315 IAC 1-3-14
315 IAC 1-3-5	315 IAC 1-3-15

SECTION 1. 315 IAC 1-2-1 IS AMENDED TO READ AS FOLLOWS:

### 315 IAC 1-2-1 Definitions

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-1-4; IC 4-21.5-1-10; IC 4-21.5-3-27; IC 4-21.5-7-1; IC 4-21.5-7-2; IC 13-17-1; IC 13-18-1; IC 13-19-2; IC 13-23-11

Sec. 1. In addition to the definitions contained in IC 4-21.5-1, the definitions in this section apply throughout this title:

- (1) "Act" means IC 4-21.5-7.
- (2) "Agency" means the Indiana department of environmental management.
- (3) "Board" means a board created under ~~IC 13-7-2~~, **IC 13-17-1**, IC 13-18-1, ~~IC 13-9-2~~, **IC 13-19-2**, or IC 13-23-11.
- (4) "Commissioner" means the commissioner of the department of environmental management or the commissioner's designee.
- (5) "Confidential information" means any information that is entitled to treatment as, or that has been determined to be, confidential information under ~~326 IAC 17-1~~, ~~327 IAC 12-1~~, **326 IAC 17.1**, **327 IAC 12.1**, or ~~329 IAC 6-1~~, **329 IAC 6.1** and includes any information submitted to the office of ~~environmental adjudication~~ under claim of confidentiality during the pendency of a final determination of the claim.
- (6) "Decision" means an agency action as prescribed by IC 4-21.5-1-4.
- (7) "Director" means the director of the office. ~~of environmental adjudication.~~
- (8) "Electronic facsimile transmission" or "fax" means a method of transmitting and receiving information in **eight and one-half (8½) × inch by eleven (11) inch** paper medium over telephone lines or other forms of electronic transmissions available to the office.
- (9) "Environmental law judge" or "**ELJ**" means an individual acting in the capacity of an administrative law judge in a proceeding under IC 4-21.5.
- (10) "Final order" means an order of the ~~environmental law judge~~, **ELJ**, acting as ultimate authority, disposing of the proceeding prescribed by IC 4-21.5-3-27.
- (11) "Office" means the Indiana office of environmental adjudication.
- (12) ~~Notwithstanding IC 4-21.5-1-10~~, "party" means any person that is designated in the record of the proceeding as a

party to the proceeding:

~~(13)~~ **(12)** "Presiding environmental law judge" means the environmental law judge **ELJ** assigned by the director to preside over a particular proceeding.

*(Office of Environmental Adjudication; 315 IAC 1-2-1; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3732; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323)*

SECTION 2. 315 IAC 1-3-1 IS AMENDED TO READ AS FOLLOWS:

**315 IAC 1-3-1 Powers and duties of the director, presiding environmental law judge, and office of environmental adjudication**

**Authority:** IC 4-21.5-7-7

**Affected:** IC 4-21.5-3-24; IC 4-21.5-3.5; IC 4-21.5-6-2; IC 4-21.5-7-6; IC 5-14-3-8

Sec. 1. (a) An environmental law judge **ELJ** shall:

- (1) conduct a fair and impartial proceeding;
- (2) maintain an accurate and complete record;
- (3) adjudicate all issues necessary for resolution of the matter; and
- (4) avoid delay.

(b) The environmental law judge **ELJ** shall have authority to do the following:

- (1) Conduct administrative hearings under IC 4-21.5 and this article.
- (2) Rule upon motions, requests, and offers of proof, dispose of procedural requests, and issue all necessary orders.
- (3) Administer oaths and affirmations and consider affidavits submitted by the parties.
- (4) Examine witnesses, admit purported scientific evidence and related opinions into evidence in accordance with applicable Indiana trial rules on admissibility of testimony by experts, allocate among the parties appropriate costs pursuant to under IC 5-14-3-8 for the office's production of documents, order the prefilings of testimony, solicit testimony in appropriate cases, and receive documentary or other evidence.
- (5) For good cause, upon motion or sua sponte, order a party, or an officer or agent thereof, to produce testimony, documents, or other nonprivileged evidence and, failing the production thereof without good cause being shown, draw an adverse inference against that party.
- (6) Admit, limit, or exclude evidence in accordance with IC 4-21.5.
- (7) Hear and decide questions of facts and law.
- (8) Issue subpoenas and subpoenas deuces tecum.
- (9) Require parties to attend conferences for the settlement or simplification of the issues, to expedite the proceedings, or to participate in alternative dispute resolution.
- (10) Where ~~no~~ **not** inconsistent with IC 4-21.5 and this title, the presiding environmental law judge **ELJ** may apply the Indiana Rules of Trial Procedure, **except for those trial rules that provide for provisional and final remedies and**

**special proceedings (TR 64 through 71), except as provided in section 2.1(c) of this rule.**

(11) In addition to the remedies provided in IC 4-21.5-3-24, to impose reasonable and appropriate sanctions pursuant to under IC 4-21.5-6-2 and Indiana Trial Rules 26 through 37.

(12) Do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair, and impartial adjudication of issues arising in proceedings governed by this article.

(13) Determine whether mediation is an appropriate means of alternative dispute resolution for each type of administrative proceeding in accordance with IC 4-21.5-3.5.

(c) For failure to attend a prehearing conference, the presiding environmental law judge **ELJ** may do the following:

- (1) Strike claims or defenses.
- (2) Default or dismiss a party pursuant to under IC 4-21.5-3-24.

*(Office of Environmental Adjudication; 315 IAC 1-3-1; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3733; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323)*

SECTION 3. 315 IAC 1-3-2 IS AMENDED TO READ AS FOLLOWS:

**315 IAC 1-3-2 Initiation of a proceeding for administrative review**

**Authority:** IC 4-21.5-7-7

**Affected:** IC 4-21.5-3-7; IC 4-21.5-3-15; IC 4-21.5-4; IC 13-15-6-1

Sec. 2. (a) A proceeding before the office is initiated when a petition for administrative review, which may include a request for stay, in writing, is filed with the Office of Environmental Adjudication, ~~150 West Market Street, Suite 618, Indiana Government Center-North, 100 North Senate Avenue, Suite N1049, Indianapolis, Indiana 46204.~~ **46204-2211.**

(b) The petition for administrative review shall contain the following information:

- (1) **The** name, address, and telephone number of each person filing the petition.
- (2) Identification of the interest of each petitioner in the subject of the petition.
- (3) **A** statement demonstrating that the petitioner is:
  - (A) a person to whom the order is directed;
  - (B) aggrieved or adversely affected by the order; or
  - (C) entitled to review under any law.
- (4) **Statement State** with particularity the legal issues proposed for consideration in the proceedings ~~and~~ **as follows:**
  - (A) ~~identification of (i) identify~~ environmental concerns or technical deficiencies related to the action of the commissioner ~~which that~~ is the subject of the petition; and
  - (B) ~~identification of (ii) identify~~ permit terms and conditions that the petitioner contends would be appropriate to comply with the law applicable to the contested permit.

## Proposed Rules

**(B) In a case involving any other appeal of an order of the commissioner, identify those facts, terms, or conditions for which the petitioner requests review.**

(c) The petition for administrative review ~~should~~ **shall** also contain the following information:

- (1) Identification of any persons represented by the person making the request ~~pursuant to~~ **under** IC 4-21.5-3-15.
- (2) **A** statement identifying the person against whom administrative review is sought.
- (3) A copy of the **pertinent portions of the** notice of the commissioner's action issued by the department of environmental management ~~which that~~ **is** the basis of the petition for administrative review. **This shall, at a minimum, consist of that portion of the commissioner's action that identifies the:**

**(A) person to whom the action is directed; and**

**(B) identification number of the action.**

- (4) **A** statement indicating the identification of the petitioner's attorney or other representative.

(d) A petition for administrative review, filed ~~pursuant to~~ **under** IC 4-21.5-3-7(a), may be amended **as a matter of course at any time within thirty (30) days after the earlier of the following dates:**

- (1) **The initial prehearing conference.**
- (2) **The filing of a motion to dismiss.**

**Otherwise a party may amend his or her petition only by leave of the presiding ELJ or by written consent of all parties; leave shall be given when justice so requires but no later than fifteen (15) days before the final hearing.**

(e) **If the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading.**

~~(e)~~ **(f) Copies of the petition for administrative review shall be sent to the agency and to any person whose interest is affected by the petition: all persons to whom the order is directed.** (*Office of Environmental Adjudication; 315 IAC 1-3-2; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3733; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323*)

SECTION 4. 315 IAC 1-3-2.1 IS ADDED TO READ AS FOLLOWS:

### 315 IAC 1-3-2.1 Stay

Authority: IC 4-21.5-3; IC 4-21.5-4; IC 4-21.5-7-7

Affected: IC 13-15-6-1; IC 13-30-3-5

**Sec. 2.1. (a) A stay applies automatically upon filing of a timely petition for review when a person petitions for review of an order of the commissioner directed to that person under IC 13-30-3-5.**

**(b) The party requesting a stay of effectiveness has the burden of demonstrating, by a preponderance of the evidence, the following:**

- (1) **The person will suffer irreparable harm pending the resolution of the case on the merits because its remedies at law are inadequate.**
- (2) **The person is likely to prevail on the merits.**
- (3) **The threatened injury to the person requesting the stay outweighs the threatened harm that the grant of the stay may inflict on the other party.**
- (4) **The public interest will be served by the grant of the stay.**

**(c) A temporary emergency stay order may be granted without a hearing under the following circumstances:**

- (1) **Upon written notice to the other parties or their attorneys only if it clearly appears from specific facts shown by affidavit or by a verified motion that immediate and irreparable injury, loss, or damage will result to the applicant before the other parties can be heard in opposition.**
- (2) **The resulting order shall include a brief statement of the facts and the laws that justify the office's decision to issue the emergency order.**
- (3) **The matter shall be set for an evidentiary hearing as quickly as practicable.**
- (4) **An order issued under this section expires on the earliest of the following:**

**(A) The date set in the order.**

**(B) The evidentiary hearing held under subsection (b).**

**(C) The lapse of sixty (60) days.**

(*Office of Environmental Adjudication; 315 IAC 1-3-2.1*)

SECTION 5. 315 IAC 1-3-3 IS AMENDED TO READ AS FOLLOWS:

### 315 IAC 1-3-3 Filing and service of pleadings and documents

Authority: IC 4-21.5-2-1; IC 4-21.5-3-35; IC 4-21.5-7-7

Affected: IC 4-21.5-3-1; IC 4-21.5-3-2; IC 13-15-6-1

**Sec. 3. (a) The requirements for the filing of pleadings and documents are as follows:**

- (1) **The burden of proof for the timely filing of pleadings and documents with the office is on the person so filing.**
- (2) **The computation of any period of time under these rules is prescribed by IC 4-21.5-3-2.**
- (3) **The filing of a petition for administrative review with an environmental law judge ELJ may be completed, pursuant to under IC 4-21.5-3-1(f), by the following methods:**
  - (A) **Personal delivery.**
  - (B) **First class, priority, or express United States mail.**
  - (C) **Certified mail.**
  - (D) **Private carrier.**
  - (E) **Electronic facsimile transmission. All documents filed by fax must be accompanied by a descriptive cover sheet that states the following:**

- (i) **The title of the document.**
- (ii) **The number of pages.**
- (iii) **The identity and voice telephone number of the sending party.**
- (iv) **Filing by fax shall be followed by the filing of the signed original and attachments with the office by one (1) of the methods specified in this subdivision within one (1) day after the document is filed by fax.**

(4) The filing of any other document or pleading with an environmental law judge ELJ may be completed, pursuant to under IC 4-21.5-3-1(f), by any of the following methods:

- (A) Personal delivery.
- (B) First class, **priority, or express United States mail.**
- (C) Certified mail.
- (D) Private carrier.
- (E) Electronic facsimile transmission. ~~including the following:~~

(i) ~~Filing by facsimile shall be followed by the filing of the signed original with the office by one (1) of the methods specified in subsection (a)(3) of this section within one (1) day after the document is filed by facsimile.~~

(ii) ~~All documents filed by facsimile fax must be accompanied by a descriptive cover sheet which that states the following:~~

- ~~(AA)~~ (i) The title of the document.
- ~~(BB)~~ (ii) The case number.
- ~~(CC)~~ (iii) The number of pages.
- ~~(DD)~~ (iv) The identity and voice telephone number of the sending party.
- ~~(EE)~~ (v) The instructions for filing.
- ~~(FF)~~ The signature of the person authorizing the filing.

**(F) If all parties and the presiding ELJ consent, by any other means.**

(b) **The requirements for service of pleadings and documents are as follows:**

- (1) All documents and pleadings filed with the presiding environmental law judge ELJ shall be served on all parties.
- (2) If a party is represented by an attorney or another authorized representative, service of a document must be made upon the attorney or other authorized representative. If an individual a party appears without separate representation, service must be made upon the individual party.
- (3) A signed certificate of service, **in substantially the following form**, stating, "I certify that on the \_\_\_\_ day of [month], [year], service of a true and complete copy of [document being forwarded], was made upon each party or attorney of record herein by [identifying any of the methods of service prescribed by subsection (a)(3) or ~~(4)~~ above **(a)(4)**", shall accompany each document filed or served.
- (4) When the presiding environmental law judge ELJ corresponds directly with the parties, the original of the correspondence shall be maintained by the presiding environ-

mental law judge ELJ in the official file, and a copy shall be sent to all parties. by certified mail; return receipt requested; first class mail; personal service; or overnight, express mail.

(c) **The filing of a document with the office is complete on the earliest of the following dates that apply to the filing:**

- (1) **The date on which the document is delivered to the office.**
- (2) **The date of the postmark on the envelope containing the document, if the document is mailed to the office by United States mail.**
- (3) **The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the office by private carrier.**

(d) Where date of filing or service is determined by the date of delivery to or receipt at the office, all filing or service deliveries received after ~~4:45~~ **4:30** p.m., EST, will be deemed to have been received on the next following regular day. However, a document filed by electronic facsimile **transmission** shall be deemed to be filed on the date on which it is electronically submitted. (*Office of Environmental Adjudication; 315 IAC 1-3-3; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3734; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323*)

SECTION 6. 315 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

**315 IAC 1-3-4 Form of pleadings and documents**

Authority: IC 4-21.5-2-1; IC 4-21.5-3-35; IC 4-21.5-7-7  
Affected: IC 4-21.5-3; IC 13

Sec. 4. (a) **The form of pleadings and documents shall be as follows:**

- (1) The petition for administrative review shall be in the form prescribed by section 2 of this rule.
- (2) The first page of every subsequent pleading, letter, or other document filed thereafter shall contain a caption identifying the action and the case number that has been assigned by the office. ~~of environmental adjudication.~~
- (3) The original of any pleading, letter, or other document, excepting exhibits, shall be signed by the party filing or by the party's counsel. The signature constitutes a representation by the signer that:
  - (A) the signer has read the pleadings, letter, or other document; ~~that~~
  - (B) to the best of the signer's knowledge, information, and belief, the statements made therein are true; and ~~that~~
  - (C) it is not interposed for delay.
- (4) **Attachments to pleadings, including, but not limited to, the permit, may be submitted electronically in a compatible format to the office. Attachments may only be submitted electronically to the other parties with their consent.**

## Proposed Rules

(b) Any changes in name, mailing address, or telephone number occurring during the course of a proceeding shall be communicated promptly in writing to the presiding ~~environmental law judge~~ **ELJ** and all parties to the proceeding. Service of orders or correspondence from the office shall be made to the last known address on file.

(c) Nothing in this section shall be construed to modify the time in which a party is otherwise required to file under IC 4-21.5, IC 13, or this article. (*Office of Environmental Adjudication; 315 IAC 1-3-4; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3734; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323*)

SECTION 7. 315 IAC 1-3-5 IS AMENDED TO READ AS FOLLOWS:

### 315 IAC 1-3-5 Request for extension of time for filing pleading, document, or motion

Authority: IC 4-21.5-2-1; IC 4-21.5-7-7  
Affected: IC 4-21.5-3-34; IC 4-21.5-3-35

Sec. 5. (a) Unless prohibited by statute, the presiding ~~environmental law judge~~ **ELJ** may grant an extension of time for the filing of any pleading, document, or motion:

- (1) upon timely motion of a party to the proceeding;
- (2) after notice to all other parties unless the moving party can show good cause why serving notice is impracticable; and
- (3) after consideration of prejudice to other parties.

(b) ~~Unless prohibited by statute, the presiding environmental law judge may grant an extension of time for the filing of any pleading, document, or motion whenever all parties have consented to such extension.~~ (*Office of Environmental Adjudication; 315 IAC 1-3-5; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3735; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323*)

SECTION 8. 315 IAC 1-3-7 IS AMENDED TO READ AS FOLLOWS:

### 315 IAC 1-3-7 Defaults and dismissals

Authority: IC 4-21.5-7-7  
Affected: IC 4-21.5-3-24

Sec. 7. (a) An ~~environmental law judge~~ **ELJ** may enter a final order of dismissal if the person who initiated administrative review requests the proceeding be dismissed.

(b) An ~~environmental law judge~~ **ELJ** may, sua sponte or upon the motion of a ~~person, party,~~ enter and serve upon all parties a proposed order of default or proposed order of dismissal under IC 4-21.5-3-24, if at least one (1) of the following applies:

- (1) A party fails to file a ~~responsible~~ **responsive** pleading required by statute or rule.
- (2) A party fails to attend or participate in a prehearing conference, hearing, or other stage of the proceeding.
- (3) The party responsible for taking action does not take

action on a matter for a period of at least sixty (60) days.

(4) The ~~person party~~ seeking administrative review does not qualify for review under IC 4-21.5.

(c) Within seven (7) days after service of a proposed order of default or dismissal, a party may file a written motion requesting the order not be imposed and stating the grounds relied upon.

(d) During the time within which a party may file a written motion under subsection (c), the presiding ~~environmental law judge~~ **ELJ** may adjourn the proceedings or conduct them without participation of the party against whom a proposed default order was issued, having due regard for the interest of justice and the orderly and prompt conduct of the proceeding.

(e) If the party fails to file a written motion under subsection (c), the presiding ~~environmental law judge~~ **ELJ** shall issue an order of default or dismissal. If the party has filed a written motion under subsection (c), the presiding ~~environmental law judge~~ **ELJ** may either enter or refuse to enter the order of default or dismissal.

(f) After issuing an order of default, but before issuing a final order or disposition, the presiding ~~environmental law judge~~ **ELJ** shall conduct any action necessary to complete the proceeding without the participation of the party in default and shall determine all issues in the adjudication, including those affecting the defaulted party. (*Office of Environmental Adjudication; 315 IAC 1-3-7; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3735; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323*)

SECTION 9. 315 IAC 1-3-8 IS AMENDED TO READ AS FOLLOWS:

### 315 IAC 1-3-8 Informal settlement; alternative dispute resolution

Authority: IC 4-21.5-2-1; IC 4-21.5-3-35; IC 4-21.5-3.5-1; IC 4-21.5-7-7  
Affected: IC 4-21.5-3.5-2; IC 4-21.5-5-5; IC 13-30-3-5; IC 13-30-3-6

Sec. 8. (a) Settlement among and between the parties is encouraged at any time when **the settlement is:**

- (1) ~~the settlement is~~ within the legal authority of the agency; and
- (2) ~~the settlement is~~ consistent with the prescriptions and objectives of:
  - (A) IC 4-21.5;
  - (B) ~~IC 13-7;~~ **IC 13;**
  - (C) ~~IC 13-30;~~ and
  - (D) **(C)** applicable environmental regulations.

(b) In the event the parties reach settlement regarding the appeal of a permit, ~~the parties to the settlement shall file with the presiding environmental law judge, a joint or stipulated motion to dismiss or withdraw petition for administrative review identifying the which resolve all issues raised in the~~

~~petition for in controversy, the party who initiated~~ administrative review ~~that have been disposed of by the settlement document or agreement between the parties: shall submit a written motion requesting that the proceeding be dismissed.~~ The parties need not file the settlement document or agreement with the presiding ~~environmental law judge: ELJ.~~ **The presiding ELJ shall then enter a final order of dismissal.**

(c) In the event the parties reach a settlement **resolving all issues in controversy** regarding the appeal of a commissioner's order as prescribed by IC 13-30-3-5, before the presiding ~~environmental law judge ELJ~~ issues a final order, and the commissioner approves an agreed order based on the settlement as provided by IC 13-30-3-6, the parties shall notify the presiding ~~environmental judge ELJ~~ who shall then enter a final order **of dismissal.**

(d) For each type of administrative proceeding, the presiding ~~environmental law judge ELJ~~ shall determine whether mediation is an appropriate means of alternative dispute resolution ~~pursuant to under IC 4-21.5-3.5.~~

(e) In the event the presiding ~~environmental law judge ELJ~~ determines mediation is an appropriate means of alternative dispute resolution, the parties to the mediation shall comply with ~~IC 4-21.5-3-5: IC 4-21.5-3.5.~~ *(Office of Environmental Adjudication; 315 IAC 1-3-8; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3736; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323)*

SECTION 10. 315 IAC 1-3-9 IS AMENDED TO READ AS FOLLOWS:

**315 IAC 1-3-9 Conduct of prehearing conference**

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-3-19; IC 4-21.5-3-35

Sec. 9. (a) In addition to IC 4-21.5-3-19, the following may apply to prehearing conferences:

(1) Parties could be required to set a date to exchange witness lists ~~which that~~ shall contain the names and addresses of all witnesses expected to be relied upon at the hearing, other than witnesses intended to be used solely for the purpose of impeachment or rebuttal, **as follows:**

(A) The names and addresses of witnesses discovered after the exchange of lists shall be furnished to the opposing party forthwith upon such discovery.

(B) Witnesses, whose names and addresses have not been exchanged, shall not be allowed to testify without permission of the presiding ~~environmental law judge: ELJ.~~

(C) The names of any witnesses to testify as experts shall be accompanied with a brief narrative summary of the witnesses' expected testimony.

(2) Parties could be required to set a date for exchange of items intended to be offered as exhibits **as follows:**

(A) Copies of exhibits discovered after such exchange shall be furnished to the opposing party forthwith upon such discovery.

(B) Documents and exhibits that have not been exchanged shall not be introduced into evidence without the permission of the presiding ~~environmental law judge: ELJ.~~

(C) The presiding ~~environmental law judge ELJ~~ shall allow the parties reasonable opportunity to review and respond to new evidence.

(3) The parties could be required to set a date for stipulations to be entered, with parties stipulating, to the fullest extent possible, the:

(A) issues;

(B) undisputed facts;

(C) authenticity; ~~and~~

(D) admissibility of exhibits; and

(E) any and all other matters ~~which that~~ will expedite the hearing by reducing formal proof.

(4) The parties could be required to file a statement with the presiding ~~environmental law judge ELJ~~ as to all existing disputed issues of fact and law of the cause of action.

(5) The parties could be required to be prepared to discuss any presently contemplated or pending preliminary motions.

(b) No transcript of any prehearing conferences shall be made by the office unless requested, upon timely motion by a party, and ordered by the presiding ~~environmental law judge: ELJ.~~

**(c) If no transcript is required, the parties have the option of conducting the prehearing conference by telephone. The party wishing to conduct the prehearing conference telephonically shall contact the other parties and secure their agreement to conduct the prehearing conference by telephone, then notify the office at least one (1) business day in advance of the scheduled prehearing conference. The party requesting the telephonic prehearing conference has the obligation of initiating the necessary phone calls. A party should have all the other parties on the telephone before contacting the ELJ.** *(Office of Environmental Adjudication; 315 IAC 1-3-9; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3736; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323)*

SECTION 11. 315 IAC 1-3-10 IS AMENDED TO READ AS FOLLOWS:

**315 IAC 1-3-10 Conduct of hearing; separation of witnesses**

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-3-34; IC 4-21.5-3-35

Sec. 10. (a) The presiding ~~environmental law judge ELJ~~ shall govern the conduct of a hearing and the order of proof.

**(b) The office's review of an agency decision is de novo.**

~~(b)~~ (c) On a motion by a party, ~~before the commencement of testimony,~~ the presiding ~~environmental law judge ELJ~~ may provide for a separation of witnesses. *(Office of Environmental Adjudication; 315 IAC 1-3-10; filed Jun 2, 1998, 3:47 p.m.: 21*

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IR 3736; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323)

SECTION 12. 315 IAC 1-3-12 IS AMENDED TO READ AS FOLLOWS:

### **315 IAC 1-3-12 Continuances of prehearing conference, status conference, stay hearing, and hearing**

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-3-34; IC 4-21.5-3-35

Sec. 12. (a) Unless ~~prohibited~~ **prohibited** by statute, the presiding ~~environmental law judge~~ **ELJ** may grant a continuance of a prehearing conference, status conference, stay hearing, or hearing **as follows**:

- (1) Upon the motion of a party to the proceeding:
  - (A) at least five (5) days in advance of the date on which the prehearing conference, status conference, stay hearing, or hearing; or
  - (B) upon a showing of good cause for a shorter time period.
- (2) After notice to all other parties. ~~and~~
- (3) After consideration of prejudice to other parties.
- (4) The party requesting the continuance shall state in the motion what efforts were made to contact the other parties and whether any other party objects to the motion.**

(b) A motion to continue a hearing because of the absence of evidence must be made upon affidavit and must show the following:

- (1) The materiality of the evidence expected to be obtained.
- (2) That due diligence has been used to obtain the evidence.
- (3) The possible location of the evidence.
- (4) If based on the absence of a witness:
  - (A) the name and address of the witness, if known;
  - (B) the probability of procuring the testimony in a reasonable time;
  - (C) that absence of the witness was not procured by the party nor by others at the request, knowledge, or consent of the party;
  - (D) what facts the party believes to be true; and
  - (E) that the party is unable to prove the facts by another witness whose testimony can be readily procured.

(c) If, upon the receipt of a continuance motion under subsection (b), the adverse party stipulates to the truth of the facts the party seeking the continuance indicated could not be presented, the hearing shall not be continued.

~~(d) The presiding environmental law judge shall grant the continuance whenever all parties have consented to such continuance.~~ (Office of Environmental Adjudication; 315 IAC 1-3-12; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3737; errata, 21 IR 4215; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323)

SECTION 13. 315 IAC 1-3-14 IS AMENDED TO READ AS FOLLOWS:

### **315 IAC 1-3-14 Petition for judicial review**

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-5-1; IC 4-21.5-5-8

Sec. 14. (a) A ~~person~~ **party** who wishes to take judicial review of a final order entered under this article shall serve copies of the petition for judicial review upon the persons described in IC 4-21.5-5.

(b) The copy of the petition required under IC 4-21.5-5-8(a)(1) to be served upon the ultimate authority shall be served upon the ~~environmental law judge~~ **ELJ** issuing the order being appealed at the following address:

Office of Environmental Adjudication

150 West Market Street

Suite 618

Indiana Government Center North

100 North Senate Avenue, Suite N1049

Indianapolis, Indiana ~~46204~~; **46204-2211**.

(Office of Environmental Adjudication; 315 IAC 1-3-14; filed Jun 2, 1998, 3:47 p.m.: 21 IR 3738; readopted filed Aug 11, 2004, 12:04 p.m.: 28 IR 323)

SECTION 14. 315 IAC 1-3-15 IS ADDED TO READ AS FOLLOWS:

### **315 IAC 1-3-15 Representatives and attorneys; eligibility to practice**

Authority: IC 4-21.5-7-7

Affected: IC 4-21.5-3

Sec. 15. (a) All attorneys who appear in a representative capacity on behalf of a party must file written notice of appearance setting forth the following:

- (1) The name, address, telephone number, fax number, and electronic address of the attorney.**
- (2) The name and address of the party.**
- (3) The Indiana attorney number.**
- (4) If not licensed in Indiana, a verified statement that the attorney is in good standing, a designation of the jurisdiction in which the attorney is currently licensed to practice law, and the attorney registration number.**
- (5) If an attorney files a petition for review of behalf of his or her client that contains the information required by subdivisions (1) through (4), the petition shall serve as a written notice of appearance.**

(b) Notwithstanding provisions of Rule 5.5 of the Indiana Rules of Professional Conduct, a representative that is not an attorney of a party must file written notice of such representation. The written notice shall include the following:

- (1) The information requested in subsection (a)(1) and (a)(2).**
- (2) The written consent of each party whom he or she purports to represent.**

(c) The presiding ELJ may require an attorney or representative appearing before it to disclose the identity of the person the attorney or representative represents and to present proof that the attorney or representative is authorized to act on the client's behalf.

(d) An attorney may only withdraw his or her appearance upon written notice to the presiding ELJ. (Office of Environmental Adjudication; 315 IAC 1-3-15)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 14, 2005 at 9:00 a.m., at the Indiana Government Center-North, 100 North Senate Avenue, Room N1049, Indianapolis, Indiana the Office of Environmental Adjudication will hold a public hearing on proposed amendments of 315 IAC 1. Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room N1049 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Catherine Gibbs
Environmental Law Judge
Office of Environmental Adjudication

326 IAC 20-82

SECTION 1. 326 IAC 20-82 IS ADDED TO READ AS FOLLOWS:

Rule 82. Stationary Reciprocating Internal Combustion Engines

326 IAC 20-82-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.6585\* (69 FR 33506, June 15, 2004).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart ZZZZ\* (69 FR 33506, June 15, 2004, National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environment Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-82-1)

Notice of Public Hearing

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on January 5, 2005 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on proposed new rule 326 IAC 20-82.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rule 326 IAC 20-82. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Sky Schelle, Rule Development Section, Office of Air Quality, (317) 234-3533 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

TITLE 326 AIR POLLUTION CONTROL BOARD

Proposed Rule
LSA Document #04-235

DIGEST

Adds 326 IAC 20-82 to incorporate by reference the national emission standards for hazardous air pollutants for stationary reciprocating internal combustion engines. Effective 30 days after filing with the secretary of state.

HISTORY

Notice of First Hearing: November 3, 2004, Indiana Register (27 IR 4146).

Date of First Hearing: November 3, 2004.

PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long. Because this proposed rule is not substantively different from the draft rule published on November 3, 2004, at 27 IR 4146, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On November 3, 2004, the Air Pollution Control Board conducted the first public hearing concerning the development of new rule 326 IAC 20-82. No comments were made at the first hearing.

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## Proposed Rules

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or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet McCabe  
Assistant Commissioner  
Office of Air Quality

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### TITLE 326 AIR POLLUTION CONTROL BOARD

#### Proposed Rule LSA Document #04-236 DIGEST

Adds 326 IAC 20-83 through 326 IAC 20-88 to incorporate by reference the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for organic liquid distribution (non-gasoline); miscellaneous organic chemical manufacturing; surface coating of automobiles and light duty trucks; surface coating of metal cans; site remediation; and miscellaneous coating manufacturing. Effective 30 days after filing with the secretary of state.

#### HISTORY

IC 13-14-9-8 Notice and Notice of First Hearing: September 1, 2004, Indiana Register (27 IR 4146).

Date of First Hearing: November 3, 2004.

#### PUBLIC COMMENTS UNDER IC 13-14-9-4.5

IC 13-14-9-4.5 states that a board may not adopt a rule under IC 13-14-9 that is substantively different from the draft rule published under IC 13-14-9-4 until the board has conducted a third comment period that is at least twenty-one (21) days long.

#### REQUEST FOR PUBLIC COMMENTS

Because this proposed rule is not substantively different from the draft rule published on September 1, 2004, at 27 IR 4146, the Indiana Department of Environmental Management (IDEM) is not requesting additional comment on this proposed rule.

#### SUMMARY/RESPONSE TO COMMENTS RECEIVED AT THE FIRST PUBLIC HEARING

On November 3, 2004, the air pollution control board (board) conducted the first public hearing/board meeting concerning the development of new rules 326 IAC 20-83, 326 IAC 20-84, 326 IAC 20-85, 326 IAC 20-86, 326 IAC 20-87, and 326 IAC 20-88. No comments were made at the first hearing.

<b>326 IAC 20-83</b>	<b>326 IAC 20-86</b>
<b>326 IAC 20-84</b>	<b>326 IAC 20-87</b>
<b>326 IAC 20-85</b>	<b>326 IAC 20-88</b>

SECTION 1. 326 IAC 20-83 IS ADDED TO READ AS FOLLOWS:

#### Rule 83. Organic Liquid Distribution (Non-Gasoline)

##### 326 IAC 20-83-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2334\* (69 FR 5064, February 3, 2004).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart EEEE\* (69 FR 5063, February 3, 2004, National Emission Standards for Hazardous Air Pollutants: Organic Liquid Distribution (Non-Gasoline)).**

*\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-83-1)*

SECTION 2. 326 IAC 20-84 IS ADDED TO READ AS FOLLOWS:

#### Rule 84. Miscellaneous Organic Chemical Manufacturing

##### 326 IAC 20-84-1 Applicability; incorporation by reference of federal standards

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.2435\* (68 FR 63888, November 10, 2003).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart FFFF\* (68 FR 63888, November 10, 2003, National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing).**

*\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-84-1)*

SECTION 3. 326 IAC 20-85 IS ADDED TO READ AS FOLLOWS:

**Rule 85. Surface Coating of Automobiles and Light-Duty Trucks**

**326 IAC 20-85-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.3081\* (69 FR 22624, April 26, 2004).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart III\* (67 FR 22623, April 26, 2004, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-85-1*)

SECTION 4. 326 IAC 20-86 IS ADDED TO READ AS FOLLOWS:

**Rule 86. Surface Coating of Metal Cans**

**326 IAC 20-86-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.3481\* (68 FR 64447, November 13, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart KKKK\* (67 FR 64446, November 13, 2003, National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-86-1*)

SECTION 5. 326 IAC 20-87 IS ADDED TO READ AS FOLLOWS:

**Rule 87. Site Remediation**

**326 IAC 20-87-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.7881\* (68 FR 58191, October 8, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart GGGGG\* (68 FR 58190, October 8, 2003, National Emission Standards for Hazardous Air Pollutants: Site Remediation).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-87-1*)

SECTION 6. 326 IAC 20-88 IS ADDED TO READ AS FOLLOWS:

**Rule 88. Miscellaneous Coating Manufacturing**

**326 IAC 20-88-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.7985\* (68 FR 69185, December 11, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart HHHHH\* (68 FR 69185, December 11, 2003, National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-88-1*)

**Notice of Public Hearing**

Under IC 4-22-2-24, IC 13-14-8-6, and IC 13-14-9, notice is hereby given that on January 5, 2005 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on

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## Proposed Rules

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proposed new rules 326 IAC 20-83, 326 IAC 20-84, 326 IAC 20-85, 326 IAC 20-86, 326 IAC 20-87, and 326 IAC 20-88.

The purpose of this hearing is to receive comments from the public prior to final adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rules. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Gayl Killough, Rule Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015

or call (317) 233-0855, (TDD): (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor East and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Janet G. McCabe  
Assistant Commissioner  
Office of Air Quality

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### TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

**Proposed Rule**  
LSA Document #04-158

#### DIGEST

Adds 345 IAC 6-2 to establish procedures for importing horses from contagious equine metritis (CEM) regions to approved CEM quarantine facilities including quarantine and testing procedures. Effective 30 days after filing with the secretary of state.

#### 345 IAC 6-2

SECTION 1. 345 IAC 6-2 IS ADDED TO READ AS FOLLOWS:

##### **Rule 2. Contagious Equine Metritis (CEM)**

#### **345 IAC 6-2-1 Definitions and general provisions**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-3-18

**Sec. 1. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:**

(1) "Accredited" means accredited by the United States Department of Agriculture under 9 CFR Subchapter J.

(2) "Approved CEM quarantine facility" means a facility that is approved by the state veterinarian under section 3 of this rule.

(3) "CEM" means the disease contagious equine metritis.

(4) "Owner" means the owner of an animal or his or her authorized agent.

(5) "Quarantine" means restricting, including prohibiting, the movement and housing of animals.

(6) "USDA" means the United States Department of Agriculture.

(Indiana State Board of Animal Health; 345 IAC 6-2-1)

#### **345 IAC 6-2-2 Incorporation by reference**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

**Sec. 2. The following USDA regulations, in effect on January 1, 2004, are incorporated by reference into this rule:**

(1) 9 CFR 93.301(c).

(2) 9 CFR 93.301(d).

(3) 9 CFR 93.301(e).

(4) 9 CFR 93.301(f).

(Indiana State Board of Animal Health; 345 IAC 6-2-2)

#### **345 IAC 6-2-3 CEM quarantine facility**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

**Sec. 3. (a) The state veterinarian may enter into agreements with the United States Department of Agriculture to qualify the state for USDA approval under 9 CFR 93.301 to receive stallions or mares over seven hundred thirty-one (731) days of age imported from a CEM-affected region.**

**(b) If the state is approved by the USDA under subsection (a), a person may apply to the board for approval to operate a CEM quarantine facility in the state. A person that wants to operate a CEM quarantine facility in the state shall submit a complete and accurate application for CEM quarantine facility approval to the state veterinarian prior to receiving any animals under section 4 of this rule.**

**(c) The state veterinarian shall evaluate each request for CEM quarantine facility approval and approve the facility if the requirements in section 5 of this rule are met.**

**(d) Approval of a CEM quarantine facility shall be for a period of two (2) years and then the approval will expire. A**

person may reapply for CEM quarantine facility approval.

(e) The state veterinarian may suspend or revoke a CEM quarantine facility approval under any of the following circumstances:

- (1) State or federal officials are unable to provide the personnel or other resources necessary to quarantine animals, monitor the CEM quarantine facility, and meet the requirements in this rule.
- (2) The CEM quarantine facility presents a health hazard to animals or humans.
- (3) The operator violates a provision of IC 15-2.1, a provision of this rule, or a condition of approval of the facility.
- (4) The approval of USDA described in subsection (a) is:
  - (A) suspended;
  - (B) revoked;
  - (C) withdrawn;
  - (D) relinquished; or
  - (E) otherwise nullified.

A suspension or revocation may be for all or part of the approval. (*Indiana State Board of Animal Health; 345 IAC 6-2-3*)

#### **345 IAC 6-2-4 Movement into the state restricted**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 4. (a) A person may move into the state to a CEM quarantine facility a horse imported from a region where CEM exists or a region that trades horses freely with a region in which CEM exists as listed in 9 CFR 93.301(c)(1) only if the following requirements are met:

- (1) The person receives a preentry permit for entry into the state from the state veterinarian. The state veterinarian shall approve a permit for entry into the state if the applicable requirements in IC 15-2.1, 345 IAC 1-3, and this rule are met. The state veterinarian may refuse to approve a permit for entry into the state to a CEM quarantine facility if state or federal resources are limited in a manner that the state veterinarian or federal officials would be unable to complete the requirements of this rule.
- (2) Each animal is accompanied by a certificate of veterinary inspection as required under 345 IAC 1-3.
- (3) The animal is identified with official identification as defined in 345 IAC 1-3-3.
- (4) The animal meets any testing, vaccination, or other applicable requirements in 345 IAC 1-3.
- (5) The animal meets the requirements in 9 CFR 93.301(d).

(b) Animals moving into the state under a permit issued under this section must move directly to an approved CEM quarantine facility without stopping and unloading elsewhere in the state.

(c) Horses exempt from CEM import restrictions as described in 9 CFR 93.301(c)(2) and 9 CFR 93.301(g) are exempt from the movement restrictions in this section.

(d) Horses that are imported for no more than ninety (90) days to compete in specified events may be moved into the state if the conditions in 9 CFR 93.301(f) and subsection (a) are met. (*Indiana State Board of Animal Health; 345 IAC 6-2-4*)

#### **345 IAC 6-2-5 Approved CEM quarantine facility**

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

Sec. 5. (a) A person desiring to accept horses moved into the state under section 4 of this rule must submit a written request to the state veterinarian for approval of their facility as a CEM quarantine facility prior to moving any horses to the facility. A person may not accept any horses moved into the state under section 4 of this rule until such time as the receiving facility is approved as a CEM quarantine facility under this rule.

(b) The state veterinarian may approve a facility as a CEM quarantine facility if the following requirements are met:

- (1) The facility is sufficient to keep quarantined horses separate from other horses.
- (2) The facility operator has procured the services of a licensed and accredited veterinarian to perform the procedures required by this rule. The state veterinarian may require a written acknowledgement by the veterinarian that they are willing and able to perform the required procedures.
- (3) The applicable provisions of this rule have been met.

(c) The state veterinarian may prescribe items necessary to protect animals from disease and facilitate operation of the CEM quarantine facility that are conditions of CEM quarantine facility approval, including the following:

- (1) Training that is required for the CEM quarantine facility owner and agents.
- (2) Training that is required for the veterinarian for the facility.
- (3) Limitations on the days or times that state or federal officials will be available to perform official functions under this rule.
- (4) Designation of the laboratory or laboratories that must be used for testing.
- (5) Limitations on the sex of animals permitted at the facility.

(d) The operator of a CEM quarantine facility shall provide state and federal officials access to the facility and any animals in the facility upon request so that compliance with this rule may be achieved and verified.

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(e) The state veterinarian may consult with the USDA on approving laboratories to conduct CEM cultures and tests under 9 CFR 93.301(i). (*Indiana State Board of Animal Health; 345 IAC 6-2-5*)

### 345 IAC 6-2-6 CEM quarantine facility procedures

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-3-18

**Sec. 6. (a) The state veterinarian shall quarantine a horse moved into the state under this rule to an approved CEM quarantine facility until such time as the applicable requirements in this section are completed.**

**(b) The state veterinarian shall quarantine any mare that is used to test stallions for CEM until the mares are eligible for release from quarantine under 9 CFR 93.301(e)(4).**

**(c) The operator of a CEM quarantine facility shall keep quarantined animals separate from all other equine.**

**(d) The owner of a horse moved into the state under this rule must procure the services of a veterinarian to complete the following procedures:**

**(1) Stallions shall be treated in accordance with 9 CFR 93.301(e)(3).**

**(2) Mares shall be treated in accordance with 9 CFR 93.301(e)(5).**

**(e) Mares used to test stallions shall be handled and treated in accordance with 9 CFR 93.301(e)(4).** (*Indiana State Board of Animal Health; 345 IAC 6-2-6*)

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on January 20, 2005 at 9:35 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed rules to establish procedures for importing horses from contagious equine metritis (CEM) regions to approved CEM quarantine facilities including quarantine and testing procedures. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Bret D. Marsh, D.V.M.  
Indiana State Veterinarian  
Indiana State Board of Animal Health

## TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

Proposed Rule  
LSA Document #04-75

### DIGEST

Adds 460 IAC 1-3.4 concerning funding for applicants or recipients of services provided under the Residential Care Assistance Program out of the available program appropriation. Effective 30 days after filing with the secretary of state.

### 460 IAC 1-3.4

SECTION 1. 460 IAC 1-3.4 IS ADDED TO READ AS FOLLOWS:

#### Rule 3.4. Processing of Applications

##### 460 IAC 1-3.4-1 Eligibility

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

**Sec. 1. A county office shall determine an applicant's eligibility for residential care assistance in accordance with 460 IAC 1-3.6.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-1*)

##### 460 IAC 1-3.4-2 Assistance contingent on availability of funding; date of assistance

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

**Sec. 2. Whether or not residential care assistance funds are awarded to an applicant is contingent upon the availability of funding to the division.** (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-2*)

##### 460 IAC 1-3.4-3 Beginning date of assistance with available funding

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6

Affected: IC 12-30; IC 16-28

**Sec. 3. If there are sufficient funds available to support the costs of residential care assistance for individuals not already receiving residential care assistance, the date residential care assistance shall begin for eligible applicants shall be the earlier of the following:**

**(1) The date when an applicant submitted an application for residential care assistance that resulted in a finding of eligibility.**

**(2) The date the applicant for residential care assistance qualified for residential care assistance under 460 IAC 1-3.6 and was admitted to a residential care facility.**

(*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-3*)

**460 IAC 1-3.4-4 Finding of insufficient funds; procedures**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6  
Affected: IC 12-30; IC 16-28

Sec. 4. (a) If the division director, or the director's designee, makes a written determination that sufficient funds are not appropriated or otherwise available to support the costs of residential care assistance for those not already receiving residential care assistance, the division shall follow the following procedures:

(1) The director shall cause the posting of a written notice in a conspicuous place in each county office when a determination has been made as described in this section. The written notice shall state the following:

(A) That, as of a date certain, the division has determined that there are not sufficient funds available to support the costs of residential care assistance for individuals not already receiving residential care assistance.

(B) Any other information the division may deem necessary.

(2) The director shall cause the posting of the notice set forth in subdivision (1) at least five (5) working days before the date on which funding will not be available to support the costs of residential care assistance for individuals not already receiving residential care assistance.

(b) Individuals with completed applications in the possession of a county office before the date on which residential care assistance will not be available to support the costs of residential care assistance for individuals not already receiving residential care assistance shall receive residential care assistance if the individual is determined to be eligible for residential care assistance.

(c) If the director, or the director's designee, makes a written determination that sufficient funds are not available to support the costs of residential care assistance for individuals not already receiving residential care assistance, the county office shall inform the applicant that a finding of eligibility for residential care assistance does not mean that funds will be available to the individual and that the individual will be placed upon a waiting list for assistance. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-4)*

**460 IAC 1-3.4-5 Funding subsequently available; procedures**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6  
Affected: IC 12-30; IC 16-28

Sec. 5. (a) If the director, or the director's designee, subsequently makes a written determination that sufficient funds are appropriated or otherwise available to support the costs of additional residential care assistance, the

division shall award residential care assistance funding to individuals in order according to the earliest dates of eligibility as determined under section 3 of this rule to the extent that funds will support the costs of additional residential care assistance.

(b) If sufficient funds are available to support the costs of residential care assistance for all individuals who have been determined eligible for residential care assistance but are not receiving residential care assistance, the division shall award residential care assistance to all individuals who have been determined eligible for residential care assistance and shall continue awarding funding under section 3 of this rule.

(c) Notice shall be given to the applicant and, if applicable, to the facility. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-5)*

**460 IAC 1-3.4-6 Record keeping**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-6  
Affected: IC 12-30; IC 16-28

Sec. 6. The county office shall keep copies of the written notifications to prospective applicants and shall make a written record of any other efforts made to notify individuals who have been determined eligible for residential care assistance but are not receiving funds. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-3.4-6)*

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on December 22, 2004 at 10:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule at 460 IAC 1-3.4 concerning funding for applicants or recipients of services provided under the Residential Care Assistance Program out of the available program appropriation. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Rachel McGeever  
General Counsel  
Division of Disability, Aging, and Rehabilitative Services

## Proposed Rules

### TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

Proposed Rule  
LSA Document #04-136

#### DIGEST

Adds 460 IAC 1-11 to provide for the posting of notices at housing with services establishments, area agencies on aging, and centers for independent living that advise residents of their rights, and for procedures for residents and their representatives to file complaints concerning violations of filing disclosure requirements. Effective 30 days after filing with the secretary of state.

#### 460 IAC 1-11

SECTION 1. 460 IAC 1-11 IS ADDED TO READ AS FOLLOWS:

##### Rule 11. Posting of Notices

#### 460 IAC 1-11-1 Definitions

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-15-14  
Affected: IC 12-9-1-1; IC 12-10-1-4; IC 12-10-5-2; IC 12-10-15; IC 12-12-8-1

Sec. 1. (a) "Administrator" means the natural person who:

- (1) administers;
  - (2) manages;
  - (3) supervises; or
  - (4) is in general administrative charge of;
- a housing with services establishment.

(b) "Area agency on aging" means the agency designated by the bureau of aging and in-home services in each planning and service area under IC 12-10-1-4(18).

(c) "Centers for independent living" means a consumer controlled, community based, cross-disability, nonresidential, private nonprofit agency that:

- (1) is designed and operated within a local community by individuals with disabilities; and
- (2) provides an array of independent living services.

(d) "Director" means the director of the division.

(e) "Division" means the division of disability, aging, and rehabilitative services created under IC 12-9-1-1.

(f) "Housing with services establishment" or "establishment" means a facility providing sleeping accommodations to at least five (5) residents and offering or providing for a fee at least:

- (1) one (1) regularly scheduled health related service as defined in IC 12-10-15-2; or

(2) two (2) regularly scheduled supportive services; whether offered or provided directly by the establishment or by another person arranged for by the establishment.

(g) "Operator" means a person that operates a housing with services establishment.

(h) "Resident" means an individual who has a contract to reside in a housing with services establishment.

(i) "Supportive services" means help with personal laundry, handling or assisting with personal funds of the residents, or arranging for medical services, health related services, or social services. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-1*)

#### 460 IAC 1-11-2 Requirement to post notice

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-15-14  
Affected: IC 12-10-15

Sec. 2. Each housing with services establishment, center for independent living, and area agency on aging shall post a notice that advises residents of a housing with services establishment of their rights under IC 12-10-15. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-2*)

#### 460 IAC 1-11-3 Rights to be included in notice

Authority: IC 12-8-4-4; IC 12-9-2-3; IC 12-10-15-14  
Affected: IC 12-10-15; IC 16-27-1-5; IC 16-28

Sec. 3. The notice required by section 2 of this rule shall advise residents of housing with services establishments of the following rights:

- (1) That each resident, or the resident's representative, must be given:
  - (A) a complete copy of the contract between the establishment and the resident or the resident's representative;
  - (B) all supporting documents and attachments; and
  - (C) any changes whenever changes are made.
- (2) That the housing with services establishment contract must include the following elements in the contract or through supporting documents or attachments in clear and understandable language:
  - (A) The name, street address, and mailing address of the establishment.
  - (B) The name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons, identification of the type of business entity of the owner or owners.
  - (C) The name and mailing address of the managing agency, through management agreement or lease arrangement, of the establishment, if different from the owner or owners.
  - (D) A statement describing the disclosure document and licensure status, if any, of the establishment and any person providing health related services or supportive services under arrangement with the operator.

- (E) The term of the contract.
  - (F) A description of the services to be provided to the resident in the base rate to be paid by the resident or on the resident's behalf.
  - (G) A description of any additional services available for an additional fee from the establishment directly or through arrangements with the establishment.
  - (H) The fee schedules outlining the cost of any additional services.
  - (I) A description of the process through which the contract may be modified, amended, or terminated.
  - (J) A description of the establishment's complaint resolution process available to the residents.
  - (K) The resident's designated representative, if any.
  - (L) The establishment's referral procedures if the contract is terminated.
  - (M) The criteria used by the establishment to determine who may continue to reside in the establishment. That criteria must address the following:
    - (i) When a resident must be transferred because the establishment and the resident are unable to develop a means for assuring that the resident is able to respond to an emergency in a manner that is consistent with local fire and safety requirements.
    - (ii) When the establishment is unable to assure that the resident's physical, mental, and psychosocial needs can be met.
  - (N) A description of the process for assuring that the resident's needs are assessed on admission and periodically thereafter in conjunction with the resident and the resident's representative and for assuring that the resident's physical, mental, and psychosocial needs are met within the terms of the contract criteria for residence provided under clause (M).
  - (O) The billing and payment procedures and requirements.
- (3) That an establishment's contract must state that:
- (A) except as stated in the contract, residency in the establishment may not be terminated due to a change in the resident's health or care needs;
  - (B) the ability of a resident to engage in activities away from the establishment regardless of time, duration, and distance of the activities may not be restricted;
  - (C) except to protect the rights and activities of other residents, the establishment may not restrict the ability of a resident to have visitors and to receive family members and guests;
  - (D) except as stated in the contract and identified in the disclosure document, the operator may not:
    - (i) restrict the ability of a resident to use a home health agency, home health provider, hospice, home health attendant, or case management service of the resident's choice; or
    - (ii) require a resident to use home health services as defined in IC 16-27-1-5.

- (4) That except where a resident's health or safety or the health and safety of others are endangered, an operator shall provide at least thirty (30) days notice to the resident or the resident's designated representative before terminating the resident's residency.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-3)*

**460 IAC 1-11-4 Location of notice**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-15-14  
 Affected: IC 12-10-15

Sec. 4. (a) Each area agency on aging shall post a notice or notices in areas accessible to consumers, including, but not limited to, the following:

- (1) Corporate waiting rooms.
- (2) Senior centers.
- (3) Meal sites.

(b) Each center for independent living shall post a notice or notices in each building, wing, floor, or common area that is open and available to residents and family members at any time.

(c) Each establishment shall post a notice or notices in each building, wing, floor, or common area that is open and available to residents and family members at any time.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-4)*

**460 IAC 1-11-5 Format of notice**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-15-14  
 Affected: IC 12-10-15

Sec. 5. (a) The notice or notices shall be in a language appropriate for the individuals residing in the facility or frequenting AAA sites.

(b) The format and the wording of the notice shall be approved by the division.

(c) The posting shall include contact information for the local and state long term care ombudsman. *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-5)*

**460 IAC 1-11-6 Filing of complaints by residents; investigation; resolution**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-15-14  
 Affected: IC 12-10-13; IC 12-10-15

Sec. 6. (a) A complaint may be filed by a resident or on behalf of a resident with the local long term care ombudsman or state long term care ombudsman, or both, regarding an establishment's violation of a requirement contained in IC 12-10-15 or this rule, or both.

(b) The local long term care ombudsman or state long term care ombudsman, or both, shall perform an investigation into the allegations of the complaint.

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(c) If the complaint is substantiated after investigation, the local long term care ombudsman or state long term care ombudsman, or both, will work with the facility to correct the problem.

(d) If the problem is resolved and remains resolved, the problem, condition, or incident will not be reflected on the establishment's record in the division.

(e) If the problem is not resolved, the complaint shall be referred to the director for appropriate action and will become public record. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-6*)

### 460 IAC 1-11-7 Response by establishment to a complaint

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-15-14

Affected: IC 12-10-13; IC 12-10-15

Sec. 7. If a complaint by a resident or a resident's representative regarding an establishment's violation of a requirement contained in IC 12-10-15 or this rule, or both, is forwarded to the director, the director shall send a copy of the complaint to the establishment against which a complaint has been filed. The establishment shall have fifteen (15) days in which to file a response with the director. The director may, if necessary, require additional information from or investigation of the establishment. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-7*)

### 460 IAC 1-11-8 Imposition of penalty

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-15-14

Affected: IC 12-10-15

Sec. 8. (a) If the director finds that an establishment has violated a requirement contained in IC 12-10-15, the director shall impose a penalty of one hundred dollars (\$100) per day for each requirement that has been violated.

(b) If the establishment has been found to have had two (2) or more violations within the previous two (2) years, the director may impose a fine of a minimum of two hundred dollars (\$200) per day for each requirement that has been violated.

(c) A fine will be imposed beginning from the time the complaint is verified by the long term care ombudsman until such time as the violation is corrected.

(d) The total penalty for each violation may not exceed ten thousand dollars (\$10,000). (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-8*)

### 460 IAC 1-11-9 Administrative review

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 4-21.5-3-7; IC 12-11-1.1; IC 12-11-2.1

Sec. 9. (a) A person who is aggrieved by a penalty imposed

under this rule may request review under IC 4-21.5-3-7.

(b) To qualify for administrative review of a penalty imposed under this rule, a person shall file a written petition for review that does the following:

(1) States facts demonstrating that the person is:

(A) a person to whom the action is specifically directed;

(B) aggrieved or adversely affected by the action; or

(C) entitled to review under any law.

(2) Is filed with the director of the division within fifteen (15) days after the person receives notice of the agency action or determination.

(c) Administrative review shall be conducted in accordance with IC 4-21.5.

(d) If a request for a hearing is not filed within fifteen (15) days after the penalty is imposed, the determination of the director and the penalty are final. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-9*)

### 460 IAC 1-11-10 Substantial and repeated violations

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 4-21.5-3-7; IC 12-10-15; IC 12-11-1.1; IC 12-11-2.1

Sec. 10. (a) If the director determines that an establishment has had substantial and repeated violations of the requirements contained in IC 12-10-15, the director may prohibit an establishment from using the term "assisted living" to describe the establishment's services and operations to the public.

(b) An establishment that is aggrieved by a penalty imposed under this rule may request review under IC 4-21.5-3-7.

(c) To qualify for administrative review of a penalty imposed under this rule, an establishment shall file a written petition for review that does the following:

(1) States facts demonstrating that the establishment is:

(A) an establishment to whom the action is specifically directed;

(B) aggrieved or adversely affected by the action; or

(C) entitled to review under any law.

(2) Is filed with the director of the division within fifteen (15) days after the establishment receives notice of the agency action or determination.

(d) Administrative review shall be conducted in accordance with IC 4-21.5. (*Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-10*)

### 460 IAC 1-11-11 Intentional violations

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-11-1.1-9; IC 12-11-2.1-12

Affected: IC 4-21.5; IC 12-10-15; IC 12-11-1.1; IC 12-11-2.1

Sec. 11. If the director determines that an operator or

administrator of an establishment has intentionally violated the requirements contained in IC 12-10-15, or has made fraudulent and material misrepresentations to a resident, the director may request the attorney general to investigate and take appropriate action against the operator or administrator. (Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-11-11)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on December 22, 2004 at 9:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed new rule at 460 IAC 1-11 concerning the posting of notices at housing with services establishments, area agencies on aging, and centers for independent living that advise residents of their rights and providing procedures for residents and their representatives to file complaints concerning violations of filing disclosure requirements. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Rachel McGeever
General Counsel
Division of Disability, Aging, and Rehabilitative Services

TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES

Proposed Rule

LSA Document #04-199

DIGEST

Amends 460 IAC 1-8-3 to add to the list of those who are precluded from providing attendant care services. Adds 460 IAC 1-8-11 through 460 IAC 1-8-13 regarding the hire of a fiscal agent by an individual in need of self-directed in-home care who has hired a personal services attendant, including duties, methods of payment for a personal services attendant and fiscal agent, and record keeping requirements. Effective 30 days after filing with the secretary of state.

460 IAC 1-8-3 460 IAC 1-8-12
460 IAC 1-8-11 460 IAC 1-8-13

SECTION 1. 460 IAC 1-8-3 IS AMENDED TO READ AS FOLLOWS:

460 IAC 1-8-3 Attendant care service provider registration requirement; preclusion

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-17-19
Affected: IC 12-10-10; IC 12-10-17; IC 12-15

Sec. 3. (a) An individual desiring to provide attendant care services must register with the division.

(b) An individual may not provide attendant care services for compensation from Medicaid or the community and home options to institutional care for the elderly and disabled program for an individual in need of self-directed in-home care services unless the individual seeking to provide attendant care services is registered with the division.

(c) An individual who is a legally responsible relative legal guardian of an individual in need of self-directed in-home care, including a parent of a minor individual and a spouse, is precluded from providing attendant care services for that individual for compensation under this section.

(d) An individual may not provide personal attendant services for compensation from Medicaid or the community and home options to institutional care for the elderly and disabled program if they have been convicted of a crime or offense involving abuse, neglect, or exploitation of an individual. (Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-8-3; filed Oct 2, 2002, 9:13 a.m.: 26 IR 351)

SECTION 2. 460 IAC 1-8-11 IS ADDED TO READ AS FOLLOWS:

460 IAC 1-8-11 Method of payment to a personal services attendant

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-17-15
Affected: IC 12-10-10; IC 12-10-17

Sec. 11. (a) For purposes of this rule, "fiscal agent" means an entity that is utilized by the person in need of self-directed in-home care to handle the payroll responsibilities related to the agreement between the person in need of self-directed in-home care and the personal services attendant.

(b) An individual in need of self-directed in-home care who has hired a personal services attendant who is registered with the division shall utilize a fiscal agent that must be authorized by the division of disability, aging, and rehabilitative services.

(c) The fiscal agent shall provide payroll and bookkeeping services following federal, state, and local regulations, including, but not limited to, the following:

(1) Assisting the individual in completing and submitting applications for the following:

(A) State and federal employment tax identification numbers.

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## Proposed Rules

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(B) Unemployment insurance.

(C) Worker's compensation insurance.

(2) Processing the following:

(A) Payroll, including income tax withholdings.

(B) Social Security deductions under the Federal Insurance Contributions Act (FICA).

(C) Worker's compensation.

(D) Wages.

(3) Disbursing checks to the personal services attendant.

(4) Preparing employer tax forms, including W-4 forms.

(5) Supplying appropriate paperwork to be used by the individual in need of self-directed in-home care to document and monitor time worked by the personal services attendant.

(d) Payroll records must certify the following:

(1) The personal services attendant worked the hours as recorded.

(2) The individual in need of self-directed in-home services received the services as recorded and the services were within the limits of the authorized care plan.

*(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-8-11)*

SECTION 3. 460 IAC 1-8-12 IS ADDED TO READ AS FOLLOWS:

### **460 IAC 1-8-12 Method of payment to a fiscal agent**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-17-15

Affected: IC 12-10-17; IC 12-10-10

**Sec. 12. The fiscal agent shall be paid in accordance with the terms of the agreement with the division.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-8-12)*

SECTION 4. 460 IAC 1-8-13 IS ADDED TO READ AS FOLLOWS:

### **460 IAC 1-8-13 Record keeping requirements**

Authority: IC 12-8-8-4; IC 12-9-2-3; IC 12-10-17-15

Affected: IC 12-10-17; IC 12-10-10

**Sec. 13. The fiscal agent shall maintain records for personal attendant services in accordance with the terms of the agreement with the division.** *(Division of Disability, Aging, and Rehabilitative Services; 460 IAC 1-8-13)*

### **Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on December 22, 2004 at 11:15 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W451 Conference Room A, Indianapolis, Indiana the Division of Disability, Aging, and Rehabilitative Services will hold a public hearing on a proposed amendment of 460 IAC 1-8 concerning a list of those who are precluded from providing attendant care services and new sections regarding the hire of a fiscal agent by an*

*individual in need of self-directed in-home care who has hired a personal services attendant, including duties, methods of payment for a personal services attendant and fiscal agent, and record keeping requirements. If an accommodation is required to allow an individual with a disability to participate in this meeting, please contact Kevin Wild at (317) 233-2582 at least 48 hours prior to the meeting. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W451 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Rachel McGeever

General Counsel

Division of Disability, Aging, and Rehabilitative Services

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## TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION

### **Proposed Rule**

LSA Document #04-138

### **DIGEST**

Amends 655 IAC 1-1-5.1, 655 IAC 1-2.1, and 655 IAC 1-4-2 to amend general administrative rules, certification programs and certifications, update certain National Fire Protection Association Standards, amend the mandatory training program and the mandatory training requirements, and make conforming section changes. Effective 30 days after filing with the secretary of state.

655 IAC 1-1-5.1

655 IAC 1-2.1-3

655 IAC 1-2.1-4

655 IAC 1-2.1-5

655 IAC 1-2.1-6

655 IAC 1-2.1-6.1

655 IAC 1-2.1-6.2

655 IAC 1-2.1-6.3

655 IAC 1-2.1-6.4

655 IAC 1-2.1-7.1

655 IAC 1-2.1-8

655 IAC 1-2.1-9

655 IAC 1-2.1-10

655 IAC 1-2.1-11

655 IAC 1-2.1-12

655 IAC 1-2.1-13

655 IAC 1-2.1-14

655 IAC 1-2.1-15

655 IAC 1-2.1-20

655 IAC 1-2.1-22

655 IAC 1-2.1-23

655 IAC 1-2.1-23.1

655 IAC 1-2.1-24

655 IAC 1-2.1-24.1

655 IAC 1-2.1-24.2

655 IAC 1-2.1-24.3

655 IAC 1-2.1-75

655 IAC 1-2.1-75.2

655 IAC 1-2.1-75.3

655 IAC 1-2.1-75.4

655 IAC 1-2.1-75.5

655 IAC 1-2.1-76.1

655 IAC 1-2.1-76.2

655 IAC 1-2.1-76.3

655 IAC 1-2.1-96

655 IAC 1-2.1-97

655 IAC 1-2.1-98

655 IAC 1-2.1-99

655 IAC 1-2.1-100

655 IAC 1-2.1-101

655 IAC 1-2.1-102

655 IAC 1-2.1-103

655 IAC 1-2.1-104  
 655 IAC 1-2.1-105  
 655 IAC 1-2.1-106  
 655 IAC 1-2.1-107

655 IAC 1-2.1-108  
 655 IAC 1-2.1-109  
 655 IAC 1-2.1-110  
 655 IAC 1-4-2

responsibility for the verified competencies; ~~Applications shall be~~  
 (2) legibly completed in full; ~~Applications shall be and~~  
 (3) provided by the board upon request.

SECTION 1. 655 IAC 1-1-5.1, AS AMENDED AT 27 IR 4010, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-1-5.1 Certifications under this rule; requirements**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 5.1. (a) Any Indiana fire service person may enter the voluntary certification program by submitting an application and verification by competency based testing for the certification sought. Applications shall be:

- (1) legibly signed by the authorized instructor who has taken

(b) Any Indiana nonfire service person may enter the voluntary certification program by submitting an application and verification by competency based testing for the certification sought. Applications shall be:

- (1) legibly signed by the authorized instructor who has taken responsibility for the verified competencies; ~~Applications shall be~~
- (2) legibly completed in full; ~~Applications shall be and~~
- (3) provided by the board upon request.

(c) Certifications are available for the following:

- (1) Fire service person as follows:

Certification	Requirements
Basic Firefighter	655 IAC 1-2.1-2 and 655 IAC 1-2.1-3
Firefighter I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-4
Firefighter II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-5
Driver/Operator-Pumper	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6
Driver/Operator-Aerial	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.1
Driver/Operator-Wildland Fire Apparatus	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.2
Driver/Operator-Aircraft Crash and Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.3
Driver/Operator-Mobile Water Supply	655 IAC 1-2.1-2 and 655 IAC 1-2.1-6.4
Airport Firefighter-Aircraft Crash and Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-7
<b>Fire Officer-Strategy and Tactics</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-7.1</b>
Fire Officer I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-8
Fire Officer II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-9
Fire Officer III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-10
Fire Officer IV	655 IAC 1-2.1-2 and 655 IAC 1-2.1-11
Public Fire and Life Safety Educator I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-16
Public Fire and Life Safety Educator II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-17
Public Fire and Life Safety Educator III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-18
Safety Officer	655 IAC 1-2.1-2 and 655 IAC 1-2.1-22
Firefighter-Wildland Fire Suppression I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-23
Firefighter-Wildland Fire Suppression II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-23.1
Emergency Vehicle Technician I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-25 through 655 IAC 1-2.1-35
Emergency Vehicle Technician II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-36 through 655 IAC 1-2.1-60
Fire Service Engineering Technician	655 IAC 1-2.1-2 and 655 IAC 1-2.1-61 through 655 IAC 1-2.1-64
Motor Sports Emergency Responder	655 IAC 1-2.1-2 and 655 IAC 1-2.1-65 through 655 IAC 1-2.1-74
<del>Rescue Technician</del> <b>Rope Rescue Rescuer-Awareness</b>	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75
<b>Rope Rescuer-Operations</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-96</b>
<b>Rope Rescuer-Technician</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-97</b>
Rescue Technician-Surface Water Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.1
<del>Rescue Technician</del> <b>Vehicle and Machinery Rescuer-Awareness</b>	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.2
<b>Vehicle and Machinery Rescuer-Operations</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-98</b>
<b>Vehicle and Machinery Rescuer-Technician</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-99</b>
<del>Rescue Technician</del> <b>Confined Space Rescuer-Awareness</b>	655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.3

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<b>Confined Space Rescuer-Operations</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-100</b>
<b>Confined Space Rescuer-Technician</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-101</b>
<del>Rescue Technician Structural Collapse Rescuer-Rescuer-Awareness</del>	<del>655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.4</del>
<b>Structural Collapse Rescuer-Operations</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-102</b>
<b>Structural Collapse Rescuer-Technician</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-103</b>
<del>Rescue Technician Trench Rescuer-Rescuer-Awareness</del>	<del>655 IAC 1-2.1-2 and 655 IAC 1-2.1-75.5</del>
<b>Trench Rescuer-Operations</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-104</b>
<b>Trench Rescuer-Technician</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-105</b>
<del>Swift Water Rescuer Technician Rescuer-Awareness</del>	<del>655 IAC 1-2.1-2 and 655 IAC 1-2.1-76.1 through 655 IAC 1-2.1-76.3</del>
<b>Swift Water Rescuer-Operations</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-106</b>
<b>Swift Water Rescuer-Technician</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-107</b>
<b>Wilderness Rescuer-Awareness</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-108</b>
<b>Wilderness Rescuer-Operations</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-109</b>
<b>Wilderness Rescuer-Technician</b>	<b>655 IAC 1-2.1-2 and 655 IAC 1-2.1-110</b>
Land-Based Firefighter-Marine Vessel Fires	655 IAC 1-2.1-2 and 655 IAC 1-2.1-88(a)
Fire Medic I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-89
Fire Medic II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-90
Fire Medic III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-91
Fire Medic IV	655 IAC 1-2.1-2 and 655 IAC 1-2.1-92
Public Information Officer	655 IAC 1-2.1-2 and 655 IAC 1-2.1-93
Juvenile Firesetter Intervention Specialist I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-94
Juvenile Firesetter Intervention Specialist II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-95
(2) Fire department instructors as follows:	
<b>Certification</b>	<b>Requirements</b>
Instructor I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-19
Instructor II/III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-20
Instructor-Swift Water Rescue	655 IAC 1-2.1-2 and 655 IAC 1-2.1-19.1
(3) Firefighting training and education programs as follows:	
<b>Certification</b>	<b>Requirements</b>
Basic Firefighter	655 IAC 1-2.1-3
Firefighter I	655 IAC 1-2.1-4(a)
Firefighter II	655 IAC 1-2.1-5(a)
Driver/Operator-Pumper	655 IAC 1-2.1-6(a)
Driver/Operator-Aerial	655 IAC 1-2.1-6.1(a)
Driver/Operator-Wildland Fire Apparatus	655 IAC 1-2.1-6.2(a)
Driver/Operator-Aircraft Crash and Rescue	655 IAC 1-2.1-6.3(a)
Driver/Operator-Mobile Water Supply	655 IAC 1-2.1-6.4(a)
<b>Fire Officer-Strategy and Tactics</b>	<b>655 IAC 1-2.1-7.1(a)</b>
Airport Firefighter-Aircraft Crash and Rescue	655 IAC 1-2.1-7(a)
Fire Officer I	655 IAC 1-2.1-8(a)
Fire Officer II	655 IAC 1-2.1-9(a)
Fire Officer III	655 IAC 1-2.1-10(a)
Fire Officer IV	655 IAC 1-2.1-11(a)
Fire Inspector I	655 IAC 1-2.1-12(a)
Fire Inspector II	655 IAC 1-2.1-13(a)
Fire Inspector III	655 IAC 1-2.1-14(a)
Fire Investigator I	655 IAC 1-2.1-15(a)
Public Fire and Life Safety Educator I	655 IAC 1-2.1-16(a)
Public Fire and Life Safety Educator II	655 IAC 1-2.1-17(a)
Public Fire and Life Safety Educator III	655 IAC 1-2.1-18(a)
Safety Officer	655 IAC 1-2.1-22(a)
Firefighter-Wildland Fire Suppression I	655 IAC 1-2.1-23(a)

Firefighter-Wildland Fire Suppression II	655 IAC 1-2.1-23.1(a)
Hazardous Materials First Responder-Awareness	655 IAC 1-2.1-24
Hazardous Materials First Responder-Operations	655 IAC 1-2.1-24.1
Hazardous Materials Technician	655 IAC 1-2.1-24.2
Hazardous Materials-Incident Command	655 IAC 1-2.1-24.3
Emergency Vehicle Technician I	655 IAC 1-2.1-25 through 655 IAC 1-2.1-35
Emergency Vehicle Technician II	655 IAC 1-2.1-36 through 655 IAC 1-2.1-60
Fire Service Engineering Technician	655 IAC 1-2.1-61 through 655 IAC 1-2.1-64
Motor Sports Emergency Responder	655 IAC 1-2.1-65 through 655 IAC 1-2.1-74
<del>Rescue Technician Rope Rescue Rescuer-Awareness</del>	<del>655 IAC 1-2.1-75</del> <b>655 IAC 1-2.1-75(a)</b>
<b>Rope Rescuer-Operations</b>	<b>655 IAC 1-2.1-96(a)</b>
<b>Rope Rescuer-Technician</b>	<b>655 IAC 1-2.1-97(a)</b>
Rescue Technician-Surface Water Rescue	655 IAC 1-2.1-75.1
<del>Rescue Technician Vehicle and Machinery Rescuer-Awareness</del>	<del>655 IAC 1-2.1-75.2</del> <b>655 IAC 1-2.1-75.2(a)</b>
<b>Vehicle and Machinery Rescuer-Operations</b>	<b>655 IAC 1-2.1-98(a)</b>
<b>Vehicle and Machinery Rescuer-Technician</b>	<b>655 IAC 1-2.1-99(a)</b>
<del>Rescue Technician Confined Space Rescuer-Awareness</del>	<del>655 IAC 1-2.1-75.3</del> <b>655 IAC 1-2.1-75.3(a)</b>
<b>Confined Space Rescuer-Operations</b>	<b>655 IAC 1-2.1-100(a)</b>
<b>Confined Space Rescuer-Technician</b>	<b>655 IAC 1-2.1-101(a)</b>
<del>Rescue Technician Structural Collapse Rescuer-Awareness</del>	<del>655 IAC 1-2.1-75.4</del> <b>655 IAC 1-2.1-75.4(a)</b>
<b>Structural Collapse Rescuer-Operations</b>	<b>655 IAC 1-2.1-102(a)</b>
<b>Structural Collapse Rescuer-Technician</b>	<b>655 IAC 1-2.1-103(a)</b>
<del>Rescue Technician Trench Rescuer-Awareness</del>	<del>655 IAC 1-2.1-75.5</del> <b>655 IAC 1-2.1-75.5(a)</b>
<b>Trench Rescuer-Operations</b>	<b>655 IAC 1-2.1-104(a)</b>
<b>Trench Rescuer-Technician</b>	<b>655 IAC 1-2.1-105(a)</b>
<del>Swift Water Rescue Technician Rescuer-Awareness</del>	<del>655 IAC 1-2.1-76.1 through 655 IAC 1-2.1-76.3</del> <b>655 IAC 1-2.1-76.1(a)</b>
<b>Swift Water Rescuer-Operations</b>	<b>655 IAC 1-2.1-106(a)</b>
<b>Swift Water Rescuer-Technician</b>	<b>655 IAC 1-2.1-107(a)</b>
<b>Wilderness Rescuer-Awareness</b>	<b>655 IAC 1-2.1-108(a)</b>
<b>Wilderness Rescuer-Operations</b>	<b>655 IAC 1-2.1-109(a)</b>
<b>Wilderness Rescuer-Technician</b>	<b>655 IAC 1-2.1-110(a)</b>
Land-Based Firefighter-Marine Vessel Fires	655 IAC 1-2.1-88(a)
Fire Medic I	655 IAC 1-2.1-89
Fire Medic II	655 IAC 1-2.1-90
Fire Medic III	655 IAC 1-2.1-91
Fire Medic IV	655 IAC 1-2.1-92
Public Information Officer	655 IAC 1-2.1-93
Juvenile Firesetter Intervention Specialist I	655 IAC 1-2.1-94
Juvenile Firesetter Intervention Specialist II	655 IAC 1-2.1-95
Instructor I	655 IAC 1-2.1-19(a)
Instructor II/III	655 IAC 1-2.1-20(a)
Instructor-Swift Water Rescue	655 IAC 1-2.1-19.1
(4) Nonfire service person as follows:	
<b>Certification</b>	<b>Requirements</b>
Fire Inspector I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-12
Fire Inspector II	655 IAC 1-2.1-2 and 655 IAC 1-2.1-13
Fire Inspector III	655 IAC 1-2.1-2 and 655 IAC 1-2.1-14
Fire Investigator I	655 IAC 1-2.1-2 and 655 IAC 1-2.1-15
Hazardous Materials First Responder-Awareness	655 IAC 1-2.1-24 and 655 IAC 1-2.1-2
Hazardous Materials First Responder-Operations	655 IAC 1-2.1-24.1 and 655 IAC 1-2.1-2

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Hazardous Materials-Technician  
Hazardous Materials-Incident Command  
Public Fire and Life Safety Educator I  
Public Fire and Life Safety Educator II  
Public Fire and Life Safety Educator III  
Swift Water Rescue Technician Rescuer-Awareness

### Swift Water Rescuer-Operations

### Swift Water Rescuer-Technician

Public Information Officer

Juvenile Firesetter Intervention Specialist I

Juvenile Firesetter Intervention Specialist II

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-1-5.1; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3384; filed Sep 24, 1999, 10:02 a.m.: 23 IR 326; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1157; errata, 26 IR 383; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4010)*

SECTION 2. 655 IAC 1-2.1-3, AS AMENDED AT 27 IR 4013, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-3 Basic Firefighter requirements

Authority: IC 22-14-2-7

Affected: IC 36-8-10.5-7

Sec. 3. (a) This section comprises the minimum requirements for certification as a Basic Firefighter.

(b) The candidate shall have successfully completed the requirements of 655 IAC 1-4-2 and the following:

(1) NFPA 472, Standard on Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4-Competencies for the First Responder at the Awareness Level and Chapter 5-Competencies for the First Responder at the Operational Level, 2002 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(2) NFPA 1001, Standard for Firefighter Professional Qualifications, Section 2-3, 1997 Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(3) Training in records needed in the following:

(A) In the fire service, including the following:

- (i) Hose tests.
- (ii) Ladder tests.
- (iii) Equipment maintenance.
- (iv) Such others as are used in the authority having jurisdiction.

(B) In Indiana, laws affecting the following:

- (i) Fire service inspections.
- (ii) Investigations.
- (iii) Fire suppression.
- (iv) Driving.
- (v) Such others as are in effect in the authority having jurisdiction.

(4) Training course mandated in IC 36-8-10.5-7(b).

(5) NFPA 1001, Standard for Firefighter Professional Qualifications, Sections ~~4-1.1.1~~ **5-1.1.1** and ~~4-1.1.2~~, **1997 5-**

655 IAC 1-2.1-24.2 and 655 IAC 1-2.1-2

655 IAC 1-2.1-24.3 and 655 IAC 1-2.1-2

655 IAC 1-2.1-2 and 655 IAC 1-2.1-16

655 IAC 1-2.1-2 and 655 IAC 1-2.1-17

655 IAC 1-2.1-2 and 655 IAC 1-2.1-18

655 IAC 1-2.1-2 and 655 IAC 1-2.1-76.1 through 655 IAC ~~1-2.1-76.3~~

**655 IAC 1-2.1-2 and 655 IAC 1-2.1-106**

**655 IAC 1-2.1-2 and 655 IAC 1-2.1-107**

655 IAC 1-2.1-2 and 655 IAC 1-2.1-93

655 IAC 1-2.1-2 and 655 IAC 1-2.1-94

655 IAC 1-2.1-2 and 655 IAC 1-2.1-95

**1.1.2, 2002** Edition, published by the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

(c) To the extent that Sections ~~3-1.1~~ **5-1.1** and ~~4-1.1~~ **5-1.1** of NFPA 1001 require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~2~~ **4**. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-3; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3390; filed Sep 24, 1999, 10:02 a.m.: 23 IR 330; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4013)*

SECTION 3. 655 IAC 1-2.1-4 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-4 Firefighter I

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 4. (a) The minimum training standards for Firefighter I certification shall be as set out in that certain document, being titled as NFPA 1001, Standard for Firefighter Professional Qualifications, Chapter ~~3~~ **5**-Firefighter I, ~~1997~~ **2002** Edition, published by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~3~~ **5** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~5~~ **4**.

(b) The candidate shall be certified as a Basic Firefighter. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-4; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3391; filed Sep 24, 1999, 10:02 a.m.: 23 IR 330; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262)*

SECTION 4. 655 IAC 1-2.1-5 IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-5 Firefighter II**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 5. (a) The minimum training standards for Firefighter II certification shall be as set out in that certain document, being titled as NFPA 1001, Standard for Firefighter Professional Qualifications, Chapter ~~4~~ **6**-Firefighter II, ~~1997~~ **2002** Edition, published by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~4~~ **6** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~5~~ **2**.

(b) The candidate shall be certified as a Firefighter I or Second Class Firefighter. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-5; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3391; filed Sep 24, 1999, 10:02 a.m.: 23 IR 330; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 5. 655 IAC 1-2.1-6 IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-6 Driver/Operator-Pumper**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 6. (a) The minimum training standards for Driver/Operator-Pumper certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, Chapters ~~2~~ **4** and ~~3~~ **5**, ~~1998~~ **2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters ~~2~~ **4** and ~~3~~ **5** require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~9~~ **2**.

(b) The candidate shall:

**(1)** have been certified as at least a Firefighter I or ~~Second~~ **First** Class Firefighter; ~~for a period of at least one (1) year prior to the date of application:~~ **and**

~~(c) The candidate shall (2) hold an appropriate valid driver's license.~~

(*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3391; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 6. 655 IAC 1-2.1-6.1, AS AMENDED AT 27 IR 4014, SECTION 4, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-6.1 Driver/Operator-Aerial**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 6.1. (a) The minimum training standards for Driver/Operator-Aerial certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, ~~Section 1-3.4, Chapters 2 4 and 4,~~ ~~1998~~ **6, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters ~~2~~ **4** and ~~4~~ **6** require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~9~~ **2**.

(b) The candidate shall:

**(1)** have been certified as at least a Firefighter I or ~~Second~~ **First** Class Firefighter; ~~for a period of at least one (1) year prior to the date of application:~~ **and**

~~(c) The candidate shall (2) hold an appropriate valid driver's license.~~

~~(d) The candidate shall have been certified as a Driver/Operator-Pumper, if the applicant is a member of a fire department that has a pumper on its aerial apparatus: (Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.1; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4014)~~

SECTION 7. 655 IAC 1-2.1-6.2, AS AMENDED AT 27 IR 4014, SECTION 5, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-6.2 Driver/Operator-Wildland Fire Apparatus**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 6.2. (a) The minimum training standards for Driver/Operator-Wildland Fire Apparatus certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, ~~Section 1-3.4, Chapters 2 and 6,~~ ~~1998~~ **8, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 2 and ~~6~~ **8** require compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~9~~ **2**.

(b) The candidate shall:

**(1)** have been certified as at least a Firefighter I or ~~Second~~ **First** Class Firefighter; ~~for a period of at least one (1) year prior to the date of application:~~ **and**

~~(c) The candidate shall (2) hold an appropriate valid driver's license.~~

~~(d) The candidate shall have been certified as a Driver/Operator-Pumper. (Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.2; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161;~~

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readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4014)

SECTION 8. 655 IAC 1-2.1-6.3, AS AMENDED AT 27 IR 4014, SECTION 6, IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-6.3 Driver/Operator-Aircraft Crash and Rescue

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 6.3. (a) The minimum training standards for Driver/Operator-Aircraft Crash and Rescue certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, ~~Section 1-3.4, Chapters 2 and 7, 1998 Chapter 9, 2003~~ Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that ~~Chapters 2 and 7 require Chapter 9~~ **requires** compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~9~~ **2**.

(b) The candidate shall:

(1) have been certified as at least a Firefighter I or ~~Second First Class Firefighter; for a period of at least one (1) year prior to the date of application: and~~

~~(c) The candidate shall (2) hold an appropriate valid driver's license.~~

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.3; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1161; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4014)*

SECTION 9. 655 IAC 1-2.1-6.4, AS AMENDED AT 27 IR 4014, SECTION 7, IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-6.4 Driver/Operator-Mobile Water Supply

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 6.4. (a) The minimum training standards for Driver/Operator-Mobile Water Supply certification shall be as set out in that certain document, being titled as NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, ~~Section 1-3.4, Chapters 2 and 8, 1998 Chapter 10, 2003~~ Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that ~~Chapters 2 and 8 require Chapter 10~~ **requires** compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~9~~ **2**.

(b) The candidate shall:

(1) have been certified as at least a Firefighter I or ~~Second First Class Firefighter; for a period of at least one (1) year~~

~~prior to the date of application: and~~

~~(c) The candidate shall (2) hold an appropriate valid driver's license.~~

~~(d) The candidate shall have been certified as a Driver/Operator-Pumper, if the applicant is a member of a fire department that has a pumper on its mobile water supply apparatus: (Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-6.4; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1162; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4014)~~

SECTION 10. 655 IAC 1-2.1-7.1 IS ADDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-7.1 Fire Officer-Strategy and Tactics

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 7.1. (a) The minimum training standards for Fire Officer-Strategy and Tactics certification shall be as set out in this section.

(b) The candidate shall accomplish the follow objectives:

(1) List the eight (8) components of leadership and explain the importance of transition to a company officer.

(2) Explain the key safety behaviors that impact safe tactical operations.

(3) Identify the fire officer's responsibility for an organized approach to emergency incident management.

(4) Establish priorities for personal values and describe the relationship of those personal values to incident management and firefighter safety.

(5) Describe the five (5) elements of department readiness and explain the importance of each element.

(6) List four (4) benefits of effective incident communications and explain the importance of each.

(7) List the six (6) steps identified in the Communications Model and explain the importance of each step.

(8) List the five (5) classifications of building construction and explain the characteristics of each.

(9) Identify the strengths and weaknesses for each building construction classification.

(10) List and explain the critical fire behavior factors that relate to tactical operations for an assigned fire scenario.

(11) Properly calculate the required fire flow for fire suppression for structures using the National Fire Academy Fire Flow Formula.

(12) Given the required fire flow for a structure, estimate the fire personnel required for offensive operations.

(13) Given an appropriate scenario, properly complete a National Fire Academy Quick Access Pre-fire Plan.

(14) Explain why it is important to follow a logical thought process for decision making and action planning.

(15) Identify the three (3) parts of the Command Sequence.

- (16) Identify the outcomes that result from each of the three (3) steps of the Command Sequence.
- (17) Identify the three (3) incident priorities and the order in which they shall be accomplished.
- (18) Describe the three (3) phases of size-up and their relationship to problem identification.
- (19) Describe the factors that affect size-up.
- (20) Given a simulated structural fire incident, demonstrate the ability to conduct an effective size-up, identify the problems presented, and communicate critical information as part of a concise size-up report.
- (21) Given a structural fire scenario, demonstrate the ability to develop a strategy using the command sequence.
- (22) Using the command sequence, demonstrate the ability to select tactics that will achieve a well-defined strategy.
- (23) Identify three (3) methods of implementing an action plan.
- (24) Demonstrate the ability to use effective communications to assign tactical objectives.
- (25) Given a scenario with identified strategies and tactics, determine the acceptable assignments to implement the action plan.
- (26) Explain why the use of a management system is necessary emergency incidents and demonstrate how the Incident Command System (ICS) can be applied as an effective emergency management system.
- (27) Define the five (5) ICS functions, command staff positions, and staging.
- (28) Define the role of the Incident Commander (IC) and the importance of the first on-scene fire department officer as the initial IC.
- (29) Given a scenario, establish an effective ICS organization to manage the initial phase of the incident.
- (30) Explain the purpose and use of the Communications Model and the National Fire Academy Quick Access Pre-fire Plan in tactical operations at fire incidents.
- (31) Define the relationship among incident priorities, strategy, tactics, and implementation in the command sequence.
- (32) Select an appropriate strategy mode, based upon consideration of risk versus benefit and available resources.
- (33) Describe the six (6) steps required to implement the Tactical Action Model.
- (34) List the factors upon which apparatus placement is based.
- (35) Select the appropriate ventilation tactics based upon identified ventilation principles and tactical considerations.
- (36) Develop a ventilation action plan based upon the tactics selected.
- (37) Select appropriate rescue tactics based upon identified rescue principles and tactical considerations.
- (38) Develop a ventilation action plan based upon the tactics selected.
- (39) Select and deploy the appropriate hose lines to

- accomplish fire confinement and extinguishment.
- (40) Identify and explain the actions required to support fire confinement and extinguishment activities.
- (41) Explain the correct procedures and select the appropriate size hose lines for attaching to a fire department connection.
- (42) Describe the procedures for deployment of a hose line from a standpipe system.
- (43) Identify the principles of water supply and tactics for establishing water supplies using municipal sources, static sources, and portable sources.
- (44) Identify tactical size-up considerations for providing water supplies to meet needed fire flows and specified fire incidents.
- (45) Identify the principles and tactics for protecting exposed property and areas near the fire from becoming involved.
- (46) Identify tactical size-up considerations for providing exposure control at specified fire incidents.
- (47) Identify the principles and tactics to achieve salvage.
- (48) Identify the principles and tactics to achieve overhaul.
- (49) Identify and explain the activities required to support incident operations.
- (50) Identify the special construction factors affecting single-family dwellings.
- (51) Identify the primary concerns to be addressed when single-family dwellings are involved in a fire.
- (52) Demonstrate the use of the Communications Model while performing the role of a firefighter, fire department officer, or dispatcher.
- (53) Demonstrate the Command Sequence in a decision making scenario.
- (54) Determine strategy, select tactics, and operate within an appropriate IC organization in a given scenario.
- (55) Demonstrate effective use of the Tactical Action Model and make appropriate risk versus benefit decisions in a given scenario.

(c) For purposes of this section, the following definitions apply:

- (1) "Command sequence" means a three (3) step process as follows:
  - (A) Size-up, an ongoing process of gathering and analyzing information critical to incident factors that lead to problem identification.
  - (B) Strategy and tactics.
  - (C) Implementation.
- (2) "Communications model" means a six (6) step process as follows:

STEP ONE: The sender formulates an idea that he or she wants to convey to another person.

STEP TWO: The sender sends the message.

STEP THREE: Transfer the message through the medium.

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**STEP FOUR:** The receiver receives the message.

**STEP FIVE:** The receiver interprets the message.

**STEP SIX:** The receiver confirms that the message has been received and understood by providing feedback.

(3) "Fire flow formula" means the formula developed by the National Fire Academy that provides a method for determining the amount of water required, apparatus needed to deliver the water, and the number of fire companies that should be used to apply the water at an incident.

(4) "Incident command system" means the combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure with responsibility for the management of assigned resources to effectively accomplish stated objectives pertaining to an incident.

(5) "Incident commander" means the individual responsible for the management of all incident operations.

(6) "National Fire Academy" means the facility operated by the United States Fire Administration under the Federal Emergency Management Agency of the United States Department of Homeland Security.

(7) "Quick access prefire planning" means a process that creates necessary information concerning a structure prior to a fire incident. The process includes obtaining information about the structure including, without limitation:

(A) building description;

(B) occupancy type;

(C) hazard to personnel;

(D) water supply;

(E) estimated fire flow;

(F) fire behavior predictions;

(G) predicted strategies;

(H) problems anticipated; and

(I) fixed fire protection/detection systems.

(8) "Tactical Action Model" means a six (6) step process as follows:

**STEP ONE:** Receive a tactical or task order.

**STEP TWO:** Conduct a tactical size-up.

**STEP THREE:** Assign tasks.

**STEP FOUR:** Take action to complete tactical assignment.

**STEP FIVE:** Evaluate effectiveness of tactical operations

**STEP SIX:** Report to supervisor on the effectiveness of the tactical operations.

(9) "Tactical size-up" means:

(A) evaluation of safety considerations;

(B) construction and occupancy of the structure;

(C) area of involvement;

(D) probable fire spread;

(E) identification of problems;

(F) establishment of priorities; and

(G) evaluation of resources.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-7.1)*

SECTION 11. 655 IAC 1-2.1-8 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-8 Fire Officer I

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 8. (a) The minimum training standards for Fire Officer I certification shall be as set out in that certain document, being titled as NFPA 1021, Standard for Fire Officer Professional Qualifications, Chapter ~~2~~, **1997 4, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~2~~ 4 requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~6~~ 2.

(b) The candidate shall have been certified as:

(1) at least a Firefighter II or First Class Firefighter for a period of at least one (1) year prior to the date of application;

(2) a **Fire Officer-Strategy and Tactics**; and

(3) an **Instructor I**.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-8; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3392; filed Sep 24, 1999, 10:02 a.m.: 23 IR 331; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262)*

SECTION 12. 655 IAC 1-2.1-9 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-9 Fire Officer II

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 9. (a) The minimum training standards for Fire Officer II certification shall be as set out in that certain document, being titled as NFPA 1021, Standard for Fire Officer Professional Qualifications, Chapter ~~3~~, **1997 5, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~3~~ 5 requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~6~~ 2.

(b) The candidate shall be certified as a Fire Officer I. *(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-9; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3392; filed Sep 24, 1999, 10:02 a.m.: 23 IR 331; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262)*

SECTION 13. 655 IAC 1-2.1-10 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-10 Fire Officer III

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 10. (a) The minimum training standards for Fire Officer

III certification shall be as set out in that certain document, being titled as NFPA 1021, Standard for Fire Officer Professional Qualifications, Chapter ~~4~~, **1997 6, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~4~~ **6** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~6~~: **2**.

(b) The candidate shall be certified as a Fire Officer II. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-10; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3392; filed Sep 24, 1999, 10:02 a.m.: 23 IR 331; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 14. 655 IAC 1-2.1-11 IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-11 Fire Officer IV**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 11. (a) The minimum training standards for Fire Officer IV certification shall be as set out in that certain document, being titled as NFPA 1021, Standard for Fire Officer Professional Qualifications, Chapter ~~5~~, **1997 7, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~5~~ **7** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~6~~: **2**.

(b) The candidate shall be certified as a Fire Officer III. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-11; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3392; filed Sep 24, 1999, 10:02 a.m.: 23 IR 331; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 15. 655 IAC 1-2.1-12, AS AMENDED AT 27 IR 4015, SECTION 8, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-12 Fire Inspector I**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 12. The minimum training standards for Fire Inspector I certification shall be as set out in that certain document, being titled as NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner, Chapter ~~3~~, **1998 4, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~3~~ **4** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~8~~: **2**. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-12; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3392; filed Sep 24, 1999, 10:02 a.m.: 23 IR 331; readopted*

*filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4015*)

SECTION 16. 655 IAC 1-2.1-13 IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-13 Fire Inspector II**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 13. (a) The minimum training standards for Fire Inspector II certification shall be as set out in that certain document, being titled as NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner, Chapter ~~4~~, **1998 5, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~4~~ **5** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~8~~: **2**.

(b) The candidate shall be certified as a Fire Inspector I. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-13; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3393; filed Sep 24, 1999, 10:02 a.m.: 23 IR 331; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 17. 655 IAC 1-2.1-14, AS AMENDED AT 27 IR 4015, SECTION 9, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-14 Fire Inspector III**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 14. The minimum training standards for Fire Inspector III certification shall be as set out in that certain document, being titled as NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiner, Chapter ~~5~~, **1998 6, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~5~~ **6** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~8~~: **2**. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-14; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3393; filed Sep 24, 1999, 10:02 a.m.: 23 IR 332; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4015*)

SECTION 18. 655 IAC 1-2.1-15, AS AMENDED AT 27 IR 4015, SECTION 10, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-15 Fire Investigator I**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

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Sec. 15. The minimum training standards for Fire Investigator I certification shall be as set out in that certain document, being titled as NFPA 1033, Standard for Professional Qualifications for Fire Investigator, Chapter ~~3~~, **1998 4, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter ~~3~~ **4** requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~4~~. **2.** (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-15; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3393; filed Sep 24, 1999, 10:02 a.m.: 23 IR 332; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4015*)

SECTION 19. 655 IAC 1-2.1-20, AS AMENDED AT 27 IR 4016, SECTION 13, IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-20 Instructor II/III

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 20. (a) The minimum training standards for Instructor II/III certification shall be as set out in that certain document, being titled as NFPA 1041, Standard for Fire Service Instructor Professional Qualifications, Chapters 5 and 6, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule.

(b) The candidate shall:

(1) either be certified as:

(A) an Instructor I; or

(B) a First Class Instructor; and

(2) have taught, documented, and reported to the board thirty (30) hours of instruction.

(c) To maintain certification, the candidate shall accrue a minimum of thirty (30) hours of teaching or attendance at classes in training in adult education, for example:

(1) learning objectives;

(2) test construction; or

(3) classroom teaching;

that shall be reported every three (3) years. ~~Such~~ **The** report shall be received by the board not later than thirty (30) days after the expiration of the three (3) year period that commenced on the date of initial certification, or the applicable three (3) year anniversary of ~~such~~ **the** date.

(d) The training in adult education referred in subsection (c) shall be acquired through classes that teach instructors techniques on teaching adult students. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-20; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3394; filed Sep 24, 1999, 10:02 a.m.: 23 IR 332; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4016*)

SECTION 20. 655 IAC 1-2.1-22 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-22 Safety Officer

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 22. (a) The minimum training standards for Safety Officer certification shall be as set out in that certain document, being titled as NFPA 1521, Standard for **Fire Department Safety Officer Professional Qualifications, Chapters 2 and 3, 1997 Chapter 6, 2002** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that ~~Chapters 2 and 3~~ **require Chapter 6 requires** compliance with another NFPA standard, such standard shall be that which is referred to in Chapter ~~5~~. **2.**

(b) The candidate shall be certified as a Fire Officer I. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-22; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3394; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1163; errata filed Jan 8, 2002, 1:55 p.m.: 25 IR 1645; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 21. 655 IAC 1-2.1-23, AS AMENDED AT 27 IR 4016, SECTION 14, IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-23 Firefighter-Wildland Fire Suppression I

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 23. (a) The minimum training standards for Firefighter-Wildland Fire Suppression I certification shall be as set out in that certain document, being titled as NFPA 1051, Standard for Wildland Firefighter Professional Qualifications, Chapters 4 and 5, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapters 4 and 5 require compliance with another NFPA standard, such standard shall be that which is referred to in ~~Chapter~~ **Chapters 1 and 2.**

(b) The candidate shall be certified as a Basic Firefighter. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-23; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3395; errata filed Oct 3, 1996, 3:00 p.m.: 20 IR 332; filed Sep 24, 1999, 10:02 a.m.: 23 IR 333; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4016*)

SECTION 22. 655 IAC 1-2.1-23.1, AS AMENDED AT 27 IR 4017, SECTION 15, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-23.1 Firefighter-Wildland Fire Suppression II**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 23.1. (a) The minimum training standards for Firefighter-Wildland Fire Suppression II certification shall be as set out in that certain document, being titled as NFPA 1051, Standard for Wildland Firefighter Professional Qualifications, Chapter 6, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter 6 requires compliance with another NFPA standard, such standard shall be that which is referred to in **Chapter Chapters 1 and 2.**

(b) The candidate shall be certified as a Firefighter-Wildland Fire Suppression I. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-23.1; filed Sep 24, 1999, 10:02 a.m.: 23 IR 333; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4017*)

SECTION 23. 655 IAC 1-2.1-24, AS AMENDED AT 27 IR 4017, SECTION 16, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-24 Hazardous Materials First Responder-Awareness**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 24. The minimum training standards for Hazardous Materials First Responder-Awareness certification shall be as set out in that certain document, being titled as NFPA 472, Standard **on for** Professional Competence of Responders to Hazardous Materials Incidents Chapter 4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter 4 requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 2. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-24; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3395; filed Sep 24, 1999, 10:02 a.m.: 23 IR 333; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4017*)

SECTION 24. 655 IAC 1-2.1-24.1, AS AMENDED AT 27 IR 4017, SECTION 17, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-24.1 Hazardous Materials First Responder-Operations**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 24.1. (a) The minimum training standards for Hazardous Materials First Responder-Operations certification shall be as

set out in that certain document, being titled as NFPA 472, Standard **on for** Professional Competence of Responders to Hazardous Materials Incidents, Chapter 5, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter 5 requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 2.

**(b) The candidate shall have been certified as a Hazardous Materials First Responder-Awareness.** (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-24.1; filed Sep 24, 1999, 10:02 a.m.: 23 IR 334; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4017*)

SECTION 25. 655 IAC 1-2.1-24.2, AS AMENDED AT 27 IR 4017, SECTION 18, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-24.2 Hazardous Materials-Technician**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 24.2. (a) The minimum training standards for Hazardous Materials-Technician certification shall be as set out in that certain document, being titled as NFPA 472, Standard **on for** Professional Competence of Responders to Hazardous Materials Incidents, Chapter 6, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter 6 requires compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 2.

**(b) The candidate shall have been certified as a Hazardous Materials First Responder-Operations.** (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-24.2; filed Sep 24, 1999, 10:02 a.m.: 23 IR 334; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4017*)

SECTION 26. 655 IAC 1-2.1-24.3, AS ADDED AT 27 IR 4018, SECTION 19, IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-24.3 Hazardous Materials-Incident Command**

**Authority:** IC 22-14-2-7  
**Affected:** IC 22-14-2-7

Sec. 24.3. (a) The minimum training standards for Hazardous Materials-Incident Command certification shall be as set out in that certain document, being titled as NFPA 472, Standard **on for** Professional Competence of Responders to Hazardous Materials Incidents, Chapter 7, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. To the extent that Chapter 7 requires

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compliance with another NFPA standard, such standard shall be that which is referred to in Chapter 2.

(b) The candidate shall have been certified as a Hazardous Materials First Responder-Awareness and Hazardous Materials First Responder-Operations. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-24.3; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4018*)

SECTION 27. 655 IAC 1-2.1-75 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-75 Rope Rescuer-Awareness

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 75. (a) The minimum training standards for ~~Rescue Technician~~ Rope ~~Rescue~~ Rescuer-Awareness certification shall be as set out in ~~that those certain document; documents,~~ being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters ~~2~~ 4 and ~~4~~ 2000 5, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. ~~To the extent that Chapters 2 and 4 require compliance with another NFPA standard; such standard shall be that which is referred to in Appendix E: NFPA 1500, NFPA 1521, and NFPA 1561 are:~~

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(b) The candidate shall have been certified as at least a Firefighter II or First Class Firefighter for one (1) year. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3403; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1163; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 28. 655 IAC 1-2.1-75.2 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-75.2 Vehicle and Machinery Rescuer-Awareness

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 75.2. (a) The minimum training standards for ~~Rescue Technician~~ Vehicle and Machinery ~~Rescue~~ Rescuer Awareness certification shall be as set out in ~~that those certain document; documents,~~ being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters ~~2~~ and ~~6~~ 2000 Chapter 8, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. ~~To the extent that Chapters 2 and 6 requires compliance with another NFPA standard; such standard shall be that which is referred to in Appendix E: NFPA 1500, NFPA 1521, and NFPA 1561 are:~~

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2 and Section 6-2, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(b) The candidate shall have been certified as at least a Firefighter II or a Hazardous Materials First Class Firefighter for one (+) year: Responder-Awareness. (*Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.2; filed Jul 18, 1996, 3:00 p.m.: 19 IR 3403; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262*)

SECTION 29. 655 IAC 1-2.1-75.3 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-75.3 Confined Space Rescuer-Awareness

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 75.3. (a) The minimum training standards for ~~Rescue Technician~~ Confined Space ~~Rescue~~ Rescuer-Awareness certification shall be as set out in ~~that those certain document; documents,~~ being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician

Professional Qualifications, ~~Chapters 2 and 7, 2000 Chapter 9, 2003~~ Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. ~~To the extent that Chapters 2 and 7 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.~~

**(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 4-2 and Section 5-2, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:**

- (A) not adopted;**
- (B) not enforceable; and**
- (C) referenced for information purposes only.**

**(3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:**

- (A) not adopted;**
- (B) not enforceable; and**
- (C) referenced for information purposes only.**

(b) The candidate shall have been certified as:

- (1) at least a Firefighter II or First Class Firefighter for one (1) year;**
- (2) a Rope Rescuer-Awareness; and**
- (3) Hazardous Materials First Responder-Awareness.**

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.3; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262)*

SECTION 30. 655 IAC 1-2.1-75.4 IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-75.4 Structural Collapse Rescuer-Awareness**

Authority: IC 22-14-2-7  
Affected: IC 22-14-2-7

Sec. 75.4. (a) The minimum training standards for ~~Rescue Technician~~ Structural Collapse ~~Rescue~~ Rescuer-Awareness certification shall be as set out in ~~that those~~ certain ~~document, documents,~~ being titled as follows:

**(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, ~~Chapters 2 and 8~~ 2000 Chapter 10, 2003** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. ~~To the extent that Chapters 2 and 8 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.~~

**(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 3-2, and Section 5-2, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:**

- (A) not adopted;**
- (B) not enforceable; and**
- (C) referenced for information purposes only.**

(b) The candidate shall have been certified as:

- (1) at least a Firefighter II or First Class Firefighter for one (1) year;**
- (2) a Rope Rescuer-Awareness;**
- (3) a Hazardous Materials First Responder-Awareness; and**
- (4) a Confined Space Rescuer-Awareness.**

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.4; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262)*

SECTION 31. 655 IAC 1-2.1-75.5 IS AMENDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-75.5 Trench Rescuer-Awareness**

Authority: IC 22-14-2-7  
Affected: IC 22-14-2-7

Sec. 75.5. (a) The minimum training standards for ~~Rescue Technician~~ Trench ~~Rescue~~ Rescuer-Awareness certification shall be as set out in ~~that those~~ certain ~~document, documents,~~ being titled as follows:

**(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, ~~Chapters 2 and 9, 2000 Chapter 11, 2003~~** Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. ~~To the extent that Chapters 2 and 9 require compliance with another NFPA standard, such standard shall be that which is referred to in Appendix E.~~

**(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 5-2 and Section 9-2, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:**

- (A) not adopted;**
- (B) not enforceable; and**
- (C) referenced for information purposes only.**

**(3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in**

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this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) at least a Firefighter II or First Class Firefighter for one (1) year;
- (2) a Confined Space Rescuer-Awareness;
- (3) a Rope Rescuer-Awareness; and
- (4) a Hazardous Materials First Responder-Awareness.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-75.5; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262)*

SECTION 32. 655 IAC 1-2.1-76.1 IS AMENDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-76.1 Swift Water Rescuer-Awareness

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 76.1. (a) The minimum training standards for Swift Water Rescuer Technician Rescuer-Awareness certification shall be as set out in this section and sections 76.2 and 76.3 of this rule: that certain document, being titled as NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Section 7-2, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (1) not adopted;
- (2) not enforceable; and
- (3) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) at least a Firefighter II or First Class Firefighter for one (1) year; and
- (2) a Rope Rescuer-Awareness.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-76.1; filed Nov 16, 2001, 4:37 p.m.: 25 IR 1164; readopted filed Dec 2, 2002, 12:59 p.m.: 26 IR 1262)*

SECTION 33. 655 IAC 1-2.1-96 IS ADDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-96 Rope Rescuer-Operations

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 96. (a) The minimum training standards for Rope Rescuer-Operations certification shall be as set out in those certain documents, being titled as follows:

- (1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 4, 5, and 6, 2003 Edition, published by NFPA, Batterymarch

Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 4-2 and Section 4-3, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) an Indiana First Responder; and
- (2) a Rope Rescuer-Awareness.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-96)*

SECTION 34. 655 IAC 1-2.1-97 IS ADDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-97 Rope Rescuer-Technician

Authority: IC 22-14-2-7

Affected: IC 22-14-2-7

Sec. 97. (a) The minimum training standards for Rope Rescuer-Technician certification shall be as set out in those certain documents, being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapters 4, 5, and 6, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 4-2, Section 4-3, and Section 4-4, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

(1) an Indiana First Responder;  
(2) a Rope Rescuer-Awareness; and  
(3) a Rope Rescuer-Operations.  
*(Board of Firefighting Personnel Standards and Education;  
655 IAC 1-2.1-97)*

SECTION 35. 655 IAC 1-2.1-98 IS ADDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-98 Vehicle and Machinery Rescuer-Operations**

Authority: IC 22-14-2-7  
Affected: IC 36-8-10.5-7

Sec. 98. (a) The minimum training standards for Vehicle and Machinery Rescuer-Operations certification shall be as set out in those certain documents, being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 8, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 6-2 and Section 6-3, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 5, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) a Hazardous Materials First Responder-Awareness;
- (2) a Hazardous Materials First Responder-Operations;
- (3) an Indiana First Responder;
- (4) having complied with the training course mandated in IC 36-8-10.5-7(b); and
- (5) a Vehicle and Machinery Rescuer-Awareness.

*(Board of Firefighting Personnel Standards and Education;  
655 IAC 1-2.1-98)*

SECTION 36. 655 IAC 1-2.1-99 IS ADDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-99 Vehicle and Machinery Rescuer-Technician**

Authority: IC 22-14-2-7  
Affected: IC 36-8-10.5-7

Sec. 99. (a) The minimum training standards for Vehicle and Machinery Rescuer-Technician certification shall be as set out in those certain documents, being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 8, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 6-2, Section 6-3, and Section 6-4, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapters 4 and 5, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) a Hazardous Materials First Responder-Awareness;
- (2) a Hazardous Materials First Responder-Operations;
- (3) an Indiana First Responder;
- (4) having complied with the training course mandated in IC 36-8-10.5-7(b);
- (5) a Vehicle and Machinery Rescuer-Awareness; and
- (6) a Vehicle and Machinery Rescuer-Operations.

*(Board of Firefighting Personnel Standards and Education;  
655 IAC 1-2.1-99)*

SECTION 37. 655 IAC 1-2.1-100 IS ADDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-100 Confined Space Rescuer-Operations**

Authority: IC 22-14-2-7  
Affected: IC 36-8-10.5-7

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Sec. 100. (a) The minimum training standards for Confined Space Rescuer-Operations certification shall be as set out in those certain documents, being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 9, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 4-2, Section 5-2, and Section 5-3, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(b) The candidate shall have been certified as:

(1) an Indiana First Responder;

(2) a Rope Rescuer-Awareness;

(3) a Rope Rescuer-Operations;

(4) a Hazardous Materials First Responder-Awareness;

(5) a Hazardous Materials First Responder-Operations;

(6) a Vehicle and Machinery Rescuer-Awareness;

(7) a Vehicle and Machinery Rescuer-Operations;

(8) a Confined Space Rescuer-Awareness; and

(9) having complied with the training course mandated in IC 36-8-10.5-7(b).

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-100)*

SECTION 38. 655 IAC 1-2.1-101 IS ADDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-101 Confined Space Rescuer-Technician

Authority: IC 22-14-2-7

Affected: IC 36-8-10.5-7

Sec. 101. (a) The minimum training standards for Confined Space Rescuer-Technician certification shall be as set out in those certain documents, being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 9, 2003 Edition, published by NFPA, Batterymarch Park,

Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule.

(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 4-2, Section 5-2, Section 5-3, and Section 5-4, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

(A) not adopted;

(B) not enforceable; and

(C) referenced for information purposes only.

(b) The candidate shall have been certified as:

(1) an Indiana First Responder;

(2) a Rope Rescuer-Awareness;

(3) a Rope Rescuer-Operations;

(4) a Rope Rescuer-Technician;

(5) a Hazardous Materials First Responder-Awareness;

(6) a Hazardous Materials First Responder-Operations;

(7) a Vehicle and Machinery Rescuer-Awareness;

(8) a Vehicle and Machinery Rescuer-Operations;

(9) a Confined Space Rescuer-Awareness;

(10) a Confined Space Rescuer-Operations; and

(11) having complied with the training course mandated in IC 36-8-10.5-7(b).

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-101)*

SECTION 39. 655 IAC 1-2.1-102 IS ADDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-102 Structural Collapse Rescuer-Operations

Authority: IC 22-14-2-7

Affected: IC 36-8-10.5-7

Sec. 102. (a) The minimum training standards for Structural Collapse Rescuer-Operations certification shall be as set out in those certain documents, being titled as follows:

(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 10, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule.

(2) NFPA 1670, Standard on Operations and Training for

Technical Rescue Incidents, Chapter 2, Section 3-2, Section 3-3, Section 4-3, Section 6-3, and Section 9-3, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, NFPA 1561, and referenced U.S. Federal Emergency Management Agency regulations are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) an Indiana First Responder;
- (2) a Rope Rescuer-Awareness;
- (3) a Rope Rescuer-Operations;
- (4) a Hazardous Materials First Responder-Awareness;
- (5) a Hazardous Materials First Responder-Operations;
- (6) a Vehicle and Machinery Rescuer-Awareness;
- (7) a Vehicle and Machinery Rescuer-Operations;
- (8) a Confined Space Rescuer-Awareness;
- (9) a Confined Space Rescuer-Operations;
- (10) a Trench Rescuer-Awareness;
- (11) a Trench Rescuer-Operations;
- (12) a Swift Water Rescuer-Awareness; and
- (13) having complied with the training course mandated in IC 36-8-10.5-7(b).

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-102)*

SECTION 40. 655 IAC 1-2.1-103 IS ADDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-103 Structural Collapse Rescuer-Technician**

Authority: IC 22-14-2-7  
Affected: IC 36-8-10.5-7

Sec. 103. (a) The minimum training standards for Structural Collapse Rescuer-Technician certification shall be as set out in those certain documents, being titled as follows:

- (1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 10, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule.
- (2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 3-2, Section 3-3, Section 4-3, Section 4-4, Section 5-4, Section 6-4, and Section 9-4, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;

- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) an Indiana First Responder;
- (2) a Rope Rescuer-Awareness;
- (3) a Rope Rescuer-Operations;
- (4) a Rope Rescuer-Technician;
- (5) a Hazardous Materials First Responder-Awareness;
- (6) a Hazardous Materials First Responder-Operations;
- (7) a Vehicle and Machinery Rescuer-Awareness;
- (8) a Vehicle and Machinery Rescuer-Operations;
- (9) a Vehicle and Machinery Rescuer-Technician;
- (10) a Confined Space Rescuer-Awareness;
- (11) a Confined Space Rescuer-Operations;
- (12) a Confined Space Rescuer-Technician;
- (13) a Trench Rescuer-Awareness;
- (14) a Trench Rescuer-Operations;
- (15) a Trench Rescuer-Technician;
- (16) a Swift Water Rescuer-Awareness; and
- (17) having complied with the training course mandated in IC 36-8-10.5-7(b).

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-103)*

SECTION 41. 655 IAC 1-2.1-104 IS ADDED TO READ AS FOLLOWS:

**655 IAC 1-2.1-104 Trench Rescuer-Operations**

Authority: IC 22-14-2-7  
Affected: IC 36-8-10.5-7

Sec. 104. (a) The minimum training standards for Trench Rescuer-Operations certification shall be as set out in those certain documents, being titled as follows:

- (1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 11, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

- (2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 4-3, Section 5-3, Section 6-3, Section 9-2, and Section 9-3, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

- (3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter

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4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) a Confined Space Rescuer-Awareness;
- (2) a Confined Space Rescuer-Operations;
- (3) a Rope Rescuer-Awareness;
- (4) a Rope Rescuer-Operations;
- (5) a Vehicle and Machinery Rescuer-Awareness;
- (6) a Vehicle and Machinery Rescuer-Operations;
- (7) a Hazardous Materials First Responder-Awareness;
- (8) a Hazardous Materials First Responder-Operations;
- (9) a Trench Rescuer-Awareness;
- (10) having complied with the training course mandated in IC 36-8-10.5-7(b); and
- (11) an Indiana First Responder.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-104)*

SECTION 42. 655 IAC 1-2.1-105 IS ADDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-105 Trench Rescuer-Technician

Authority: IC 22-14-2-7  
Affected: IC 36-8-10.5-7

Sec. 105. (a) The minimum training standards for Trench Rescuer-Technician certification shall be as set out in those certain documents, being titled as follows:

- (1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 11, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule.
- (2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 4-3, Section 5-3, Section 6-3, Section 9-2, Section 9-3, and Section 9-4, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:
  - (A) not adopted;
  - (B) not enforceable; and
  - (C) referenced for information purposes only.
- (3) NFPA 472, Standard for Professional Competence of Responders to Hazardous Materials Incidents, Chapter 4, 2002 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this rule as if fully set out in

this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
- (B) not enforceable; and
- (C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) a Confined Space Rescuer-Awareness;
- (2) a Confined Space Rescuer-Operations;
- (3) a Confined Space Rescuer-Technician;
- (4) a Rope Rescuer-Awareness;
- (5) a Rope Rescuer-Operations;
- (6) a Rope Rescuer-Technician;
- (7) a Vehicle and Machinery Rescuer-Awareness;
- (8) a Vehicle and Machinery Rescuer-Operations;
- (9) a Vehicle and Machinery Rescuer-Technician;
- (10) a Hazardous Materials First Responder-Awareness;
- (11) a Hazardous Materials First Responder-Operations;
- (12) a Trench Rescuer-Awareness;
- (13) a Trench Rescuer-Operations;
- (14) having complied with the training course mandated in IC 36-8-10.5-7(b); and
- (15) an Indiana First Responder.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-105)*

SECTION 43. 655 IAC 1-2.1-106 IS ADDED TO READ AS FOLLOWS:

### 655 IAC 1-2.1-106 Swift Water Rescuer-Operations

Authority: IC 22-14-2-7  
Affected: IC 22-14-2-7

Sec. 106. (a) The minimum training standards for Swift Water Rescuer-Operations certification shall be as set out in that certain document, being titled as NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Section 4-3, Section 7-2, Section 7-3.1, Section 7-3.2, Section 7-3.3, Section 7-3.4, Section 7-3.5, and Section 7-3.9, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (1) not adopted;
- (2) not enforceable; and
- (3) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) a Rope Rescuer-Awareness;
- (2) a Rope Rescuer-Operations;
- (3) a Hazardous Materials First Responder-Awareness;
- (4) a Swift Water Rescuer-Awareness; and
- (5) an Indiana First Responder.

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-106)*

SECTION 44. 655 IAC 1-2.1-107 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-107 Swift Water Rescuer-Technician

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 107. (a) The minimum training standards for Swift Water Rescuer-Technician certification shall be as set out in that certain document, being titled as NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Section 7-3.1, Section 7-3.2, Section 7-3.3, Section 7-3.4, Section 7-3.5, and Section 7-4.10, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (1) not adopted;
(2) not enforceable; and
(3) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) a Rope Rescuer-Awareness;
(2) a Rope Rescuer-Operations;
(3) a Hazardous Materials First Responder-Awareness;
(4) a Swift Water Rescuer-Awareness;
(5) a Swift Water Rescuer-Operations; and
(6) an Indiana First Responder.

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-107)

SECTION 45. 655 IAC 1-2.1-108 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-108 Wilderness Rescuer-Awareness

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 108. (a) The minimum training standards for Wilderness Rescuer-Awareness certification shall be as set out in those certain documents, being titled as follows:

- (1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 14, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
(B) not enforceable; and
(C) referenced for information purposes only.

- (2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, and Section 8-2, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
(B) not enforceable; and
(C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) at least a Firefighter II or First Class Firefighter for one (1) year; and
(2) a Rope Rescuer-Awareness.

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-108)

SECTION 46. 655 IAC 1-2.1-109 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-109 Wilderness Rescuer-Operations

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

Sec. 109. (a) The minimum training standards for Wilderness Rescuer-Operations certification shall be as set out in those certain documents, being titled as follows:

- (1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 1, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
(B) not enforceable; and
(C) referenced for information purposes only.

- (2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 8-3, and Section 4-3, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:

- (A) not adopted;
(B) not enforceable; and
(C) referenced for information purposes only.

(b) The candidate shall have been certified as:

- (1) an Indiana First Responder;
(2) a Rope Rescuer-Awareness;
(3) a Rope Rescuer-Operations;
(4) a Hazardous Materials First Responder-Awareness; and
(5) a Wilderness Rescuer-Awareness.

(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-109)

SECTION 47. 655 IAC 1-2.1-110 IS ADDED TO READ AS FOLLOWS:

655 IAC 1-2.1-110 Wilderness Rescuer-Technician

Authority: IC 22-14-2-7
Affected: IC 22-14-2-7

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**Sec. 110. (a) The minimum training standards for Wilder-ness Rescuer-Technician certification shall be as set out in those certain documents, being titled as follows:**

**(1) NFPA 1006, Standard for Standard for Rescue Technician Professional Qualifications, Chapter 14, 2003 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:**

- (A) not adopted;**
- (B) not enforceable; and**
- (C) referenced for information purposes only.**

**(2) NFPA 1670, Standard on Operations and Training for Technical Rescue Incidents, Chapter 2, Section 3-2, Section 4-4, Section 7-2, Section 8-2, and Section 8-3, 1999 Edition, published by NFPA, Batterymarch Park, Quincy, Massachusetts 02269, which is hereby adopted by reference and made a part of this rule as if fully set out in this rule. NFPA 1500, NFPA 1521, and NFPA 1561 are:**

- (A) not adopted;**
- (B) not enforceable; and**
- (C) referenced for information purposes only.**

**(b) The candidate shall have been certified as:**

- (1) an Indiana First Responder;**
- (2) a Rope Rescuer-Awareness;**
- (3) a Rope Rescuer-Operations;**
- (4) a Rope Rescuer-Technician;**
- (5) a Hazardous Materials First Responder-Awareness;**
- (6) a Swift Water Rescuer-Awareness;**
- (7) a Wilderness Rescuer-Awareness; and**
- (8) a Wilderness Rescuer-Operations.**

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-2.1-110)*

SECTION 48. 655 IAC 1-4-2, AS AMENDED AT 27 IR 4019, SECTION 27, IS AMENDED TO READ AS FOL-  
LWS:

### **655 IAC 1-4-2 General requirements for firefighter man- datory training**

**Authority:** IC 36-8-10.5-7

**Affected:** IC 36-8-10.5

**Sec. 2. (a) These requirements are intended only to familiar-ize the recruit firefighter with introductory personal safety and safe evolutions ~~prior to~~ before engaging in emergency firefighter activities. These requirements are not intended to replace the board's requirements for firefighter voluntary certification program and as follows:**

- (1) The intent of this document is to provide rules for the minimum mandatory personal safety training of those individuals entering or reentering the fire service.**
- (2) It is not required for the objectives to be mastered in the order that they appear.**
- (3) The local fire department, instructor, or fire chief shall**

establish the instructional priority of the mandatory training.  
**(4) This is intended to be a minimum training program. Expanded scope and creativity of local training programs is encouraged.**

**(b) Minimum components are as follows:**

- (1) Orientation. Includes the following:**
  - (A) Communication procedures.**
  - (B) How alarms are received.**
  - (C) Who, what, when, and where of local fire department.**
- (2) Personal safety. Includes the following:**
  - (A) Reason for protective clothing usage, for example:**
    - (i) helmet;**
    - (ii) coat;**
    - (iii) boots; and**
    - (iv) gloves.**
  - (B) Safe handling of tools.**
- (3) Forcible entry. Includes the following:**
  - (A) Safely finding hidden fires.**
  - (B) Safely entering structure or building when it is locked.**
  - (C) Nomenclature of tools.**
- (4) Ventilation. Includes the following:**
  - (A) Safe letting of hot gases and smoke escape.**
  - (B) Safe procedures.**
  - (C) Where to properly ventilate.**
- (5) Apparatus. Includes the following:**
  - (A) Safely mounting and dismounting from apparatus.**
  - (B) Riding on apparatus.**
  - (C) Safe driving of apparatus.**
  - (D) Basic traffic and firefighting liability laws.**
- (6) Ladders. Includes the following:**
  - (A) Safe setting positions for ground ladders.**
  - (B) Safe climbing and getting off of ladders.**
  - (C) Feeling for weakened floors on second floor or higher before getting off ladder.**
  - (D) Different types of ladders used in fire service.**
- (7) Self-contained breathing apparatus. Includes the following:**
  - (A) Critical needs for wearing self-contained breathing apparatus.**
  - (B) Safe practices in its use.**
  - (C) Nomenclatures of self-contained breathing apparatus.**
  - (D) Safely donning and doffing of self-contained breathing apparatus.**
- (8) Hose loads. Includes the following:**
  - (A) How to properly load hose.**
  - (B) Different types of hose loads.**
  - (C) Safely removing different hose loads.**
  - (D) Accessing water sources by drafting or hydrants.**
- (9) Streams. Includes the following:**
  - (A) Safe fire stream velocity and gallons per minute.**
  - (B) Properly opening and closing of nozzles.**
- (10) Basic recognition of special hazards. Includes the following:**
  - (A) Recognition of special hazards.**
  - (B) DOT hazardous materials placarding recognition.**

- (C) Structural hazards indicating imminent collapse or cave-in.
- (D) Recognition of suspicious fires.
- (E) Dangers of backdraft and flashover.
- (F) Overhead electrical wires.
- (G) Special safety procedures.

**(11) Defensive driving.**

*(Board of Firefighting Personnel Standards and Education; 655 IAC 1-4-2; filed Mar 7, 1988, 12:55 p.m.: 11 IR 2629; readopted filed Aug 27, 2001, 10:55 a.m.: 25 IR 203; errata, 26 IR 383; filed Jul 14, 2004, 10:00 a.m.: 27 IR 4019)*

SECTION 49. THE FOLLOWING ARE REPEALED: 655 IAC 1-2.1-76.2; 655 IAC 1-2.1-76.3.

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 10, 2005 at 10:00 a.m., at the Indianapolis Metropolitan Professional Firefighters Union, 748 Massachusetts Avenue, Indianapolis, Indiana the Board of Firefighting Personnel Standards and Education will hold a public hearing on proposed amendments concerning general administrative rules, certification programs and certifications, the updating of certain National Fire Protection Association standards, amending the mandatory training program and the mandatory training requirements, and to make conforming section changes. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room E241 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Ivan Nevil  
State Fire Marshal  
Board of Firefighting Personnel Standards and Education

**TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION**

**Proposed Rule**  
LSA Document #04-196  
DIGEST

Adds 675 IAC 22-2.2-26 to adopt NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2001 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts, together with all amendments adopted by the commission and, under IC 35-47.5-4-4.5, adds 675 IAC 26 to govern the use of a regulated explosive and establish requirements for the issuance of a

license for the use of a regulated explosive. Partially effective 30 days after filing with the secretary of state and partially effective July 1, 2005.

**675 IAC 22-2.2-26**  
**675 IAC 26**

SECTION 1. 675 IAC 22-2.2-26 IS ADDED TO READ AS FOLLOWS:

**675 IAC 22-2.2-26 NFPA 1126; use of pyrotechnics before a proximate audience**

Authority: IC 22-11-14.5-3; IC 22-13-2-2; IC 22-13-2-13  
Affected: IC 22-11-14; IC 22-12; IC 22-13; IC 22-14

**Sec. 26. (a) That certain document, being titled the NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2001 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, is hereby incorporated by reference as if fully set out in this rule save and except those revisions made in this rule.**

**(b) This rule is available for reference and review at the Fire and Building Services Department, Indiana Government Center-South, 402 West Washington Street, W246, Indianapolis, Indiana 46204.**

**(c) NFPA 10, NFPA 101, NFPA 160, NFPA 495, NFPA 1122, NFPA 1123, NFPA 1125, and NFPA 1127 are:**

- (1) not adopted;**
- (2) not enforceable; and**
- (3) referenced for informational purposes only.**

**(d) Amend section 1.1 to delete “or outdoors” in the first sentence.**

- (e) Delete section 1.1.1 in its entirety.**
- (f) Delete section 1.1.4 in its entirety.**

**(g) Amend section 1.1.13 to read as follows: 1.1.13 Facilities in or at which pyrotechnics are to be used or stored shall comply with the applicable rules of the Fire Prevention and Building Safety Commission.**

**(h) Amend section 1.1.15 to read as follows: 1.1.15 This standard shall not apply to the manufacture of model rocket and high power rocket motors.**

**(i) Amend section 1.1.17 to read as follows: This standard shall not apply to the sale and use of model rockets and model rocket motors.**

**(j) Amend section 1.1.18 to read as follows: This standard shall not apply to the sale and use of high power sport rockets and high power sport rocket motors.**

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## Proposed Rules

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(k) Amend section 1.2.1 to delete “outdoors” at the end of the section.

(l) Delete section 1.2.1.1 in its entirety.

(m) Delete section 1.2.1.2 in its entirety.

(n) Delete section 1.4 in its entirety.

(o) Amend section 1.5 to delete the second sentence.

(p) Amend section 1.5.1 to read as follows: **Aerial Shell.** A cylindrical or spherical cartridge containing pyrotechnic material, a long fuse or electric match wires, and a black powder lift charge.

(q) Amend section 1.5.6 to read as follows: **Authority Having Jurisdiction.** The chief of the responding fire department of the location proposed for the display of indoor pyrotechnics or the chief’s designee.

(r) Amend section 1.5.35 to read as follows: **Listed.** Equipment or materials included on a list published by an approved testing laboratory, inspection agency, or other organization concerned with current product evaluation that maintains periodic inspection of production of listed equipment or materials, and whose listing states that equipment or materials comply with approved nationally recognized standards and have been tested or evaluated and found suitable for use in a specified manner.

(s) Amend section 1.5.36 to read as follows: **Magazine.** Any building, structure, or indoor container used for the storage of explosives.

(t) Amend section 1.5.41 to read as follows: **Performance.** The event before, during, or after which pyrotechnics are used.

(u) Amend section 1.5.42 to read as follows: **Performer.** Any person in a performance who is not part of the audience or support personnel.

(v) Delete section 1.5.43 in its entirety.

(w) Amend section 1.5.45 to read as follows: **Producer.** An individual who has overall responsibility for the operation and management of the performance.

(x) Amend section 1.5.46 to read as follows: **Production.** All the occurrences of a performance. There are two types of productions: fixed and touring.

(y) Amend 1.5.47 to read as follows: **Proximate Audience.** An audience closer to pyrotechnic devices than permitted by the rules of the fire prevention and building safety commission.

(z) Amend section 1.5.50 to read as follows: **Pyrotechnic Operator (Special Effects Operator).** The individual who has responsibility for pyrotechnic safety and who controls or initiates the use of pyrotechnic materials at a performance.

(aa) Delete chapter 2 in its entirety.

(bb) Delete chapter 3 in its entirety.

(cc) Delete section 4.1.1 in its entirety.

(dd) Amend section 4.2.1 to read as follows: **Before any performance, the pyrotechnic operator shall submit a plan for the use of pyrotechnics to the authority having jurisdiction.**

(ee) Amend section 4.2.2 to read as follows: **The pyrotechnic operator shall keep the plan available at the site for safety inspectors or other designated agents of the authority having jurisdiction.**

(ff) Amend section 4.2.3 to read as follows: **Any addition of pyrotechnics to a performance or any significant change in the presentation of pyrotechnics shall be approved by the authority having jurisdiction prior to such addition or significant change.**

(gg) Amend section 4.3.1 to read as follows: **The plan for the use of pyrotechnics shall be made in writing.**

(hh) Amend section 4.3.2(d) to read as follows: **Name of the pyrotechnic operator.**

(ii) Amend section 4.3.2(i) to read as follows: **Evidence of the pyrotechnic operator’s insurance carrier or financial responsibility.**

(jj) Amend section 4.3.3 to read as follows: **All plans shall be submitted as soon as is possible so that the authority having jurisdiction has time to be present and notify other interested parties. In no event shall such advance notice be less than 24 hours.**

(kk) Amend section 4.4.1 to read as follows: **A walk-through and a representative demonstration of the pyrotechnics shall be approved by the authority having jurisdiction.**

(ll) Delete section 4.4.3 in its entirety.

(mm) Amend section 4.5.1 to read as follows: **All pyrotechnic operators shall be at least 21 years of age.**

(nn) Delete section 6.1.1.2 in its entirety.

(oo) Amend section 6.1.6, exception no. 1 to read as follows: **Exception No. 1: Portions of a fire detection and life safety system may be permitted to be interrupted**

during the operation of temporarily installed pyrotechnic effects when the authority having jurisdiction imposes a fire watch consisting of at least two (2) firefighters certified by the Board of Firefighting Personnel Standards and Education who are capable of directing the emergency evacuation of the audience, performers and support personnel.

(pp) Delete section 6.1.6, exception no. 2 in its entirety.

(qq) Amend section 6.2.7 to read as follows: Before firing any pyrotechnic device, the pyrotechnic operator shall prevent unauthorized entry into the area where the special effects are to occur.

(rr) Amend section 6.3.2 to delete the exception in its entirety.

(ss) Amend section 6.3.4 to delete the exception in its entirety.

(tt) Amend section 6.4.1 to delete the exception in its entirety.

(uu) Amend section 6.5.5 to delete the exception in its entirety.

(vv) Amend section 6.7.6 to read as follows: Life safety and other systems that have been disarmed or disengaged as specified by 6.1.6 shall be restored to normal operating condition as soon as the likelihood of false alarms from the use of pyrotechnics has passed.

(ww) Delete Chapter 7 in its entirety.

(xx) Delete Appendix A in its entirety.

(yy) Delete Appendix B in its entirety.

(zz) Delete Appendix C in its entirety.

(aaa) Delete Appendix D in its entirety. (*Fire Prevention and Building Safety Commission; 675 IAC 22-2.2-26*)

SECTION 2. 675 IAC 26 IS ADDED TO READ AS FOLLOWS:

**ARTICLE 26. REGULATED EXPLOSIVES; USE AND LICENSURE**

**Rule 1. Definitions**

**675 IAC 26-1-1 Definitions**

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5  
Affected: IC 35-47.5-2-13; IC 35-47.5-5-11

Sec. 1. The following definitions apply throughout this article:

(1) "Airblast" means the noise and concussion originating

from a blast, usually produced by the detonation gases venting to the atmosphere.

(2) "Approved testing agency" means a person who administers the required examination for licensed regulated explosive use-blasters in accordance with 675 IAC 26-2-4.

(3) "Blast" means the controlled detonation of explosives or explosive materials to break or move, or both, rock or other materials.

(4) "Blast design" means the process of calculating blasthole diameter and layout, detonator timing, regulated explosives and blasting agent selection, and consideration of geology and topography to create a blast, within accepted safety guidelines, that delivers the desired quantity and quality of broken material.

(5) "Blast initiation system" means the combination of detonators, detonation systems, and regulated explosives used to initiate a blast.

(6) "Boosting" means the use of a unit of explosives or blasting agent to perpetuate or intensify an explosive reaction.

(7) "Borehole" means a drilled hole, usually in rock, into which regulated explosives are loaded for blasting.

(8) "Flyrock" means dirt, mud, stone, fragmented rock, and other solid material propelled through the air from a blast.

(9) "Ground vibration" means a shaking of the ground in a specific wave form originating from a blast.

(10) "Licensed regulated explosive use-blaster" means an individual who:

(A) supervises or directs and performs the loading and firing of explosives materials;

(B) is an employee of a licensed regulated explosive use-operator; and

(C) is licensed by the office of the state fire marshal under this rule.

A licensed regulated explosive use-blaster may supervise or direct and perform any type of blasting.

(11) "Licensed regulated explosive use-operator" means the person who:

(A) takes possession of a regulated explosive in this state for the purpose of detonation under the person's direction or control;

(B) is the employer of a licensed regulated explosive use-blaster; and

(C) holds a licensed regulated explosive use-operator permit issued by the office of the state fire marshal under this rule.

(12) "Person" means any of the following:

(A) An individual.

(B) A partnership.

(C) A copartnership.

(D) A company.

(E) A corporation.

(F) A limited liability company.

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(G) An association.

(13) "Proctor" means an individual who is an employee of an approved testing entity.

(14) "Regulated explosive" has the meaning set forth in IC 35-47.5-2-13.

(15) "Stemming" means the inert material, such as drill cuttings or crushed stone, used in a blasthole to confine the gaseous products of detonation.

(16) "Tamping" means the process of compressing the stemming or regulated explosive in a blasthole.

*(Fire Prevention and Building Safety Commission; 675 IAC 26-1-1)*

### Rule 2. Licensure Requirements

#### 675 IAC 26-2-1 Purpose

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5

Affected: IC 35-47.5-5-11

Sec. 1. This rule establishes the licensure requirements for the use of regulated explosives as follows:

(1) Requirements for licensed regulated explosive use-blaster as provided in sections 2 through 4 of this rule.

(2) Requirements for licensed regulated explosive use-operator as provided in sections 7 through 9 of this rule.

(3) Procedures for the office of the state fire marshal to administer a program to issue licenses to individuals who comply with the requirements for licensed regulated explosive use-blaster and licensed use permits to persons who comply with the requirements for obtaining licensed use permits.

*(Fire Prevention and Building Safety Commission; 675 IAC 26-2-1)*

#### 675 IAC 26-2-2 Application for licensure as a licensed regulated explosive use-blaster

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5

Affected: IC 35-47.5-5-11

Sec. 2. An applicant for licensure as a licensed regulated explosive use-blaster shall submit evidence to the office of the state fire marshal on a form approved by the fire prevention and building safety commission and under penalty of perjury that the individual:

(1) has successfully completed:

(A) the examination approved by the office of the state fire marshal and administered by an approved testing agency; and

(B) one (1) year of experience in the proper use of regulated explosives;

(2) is at least twenty-one (21) years of age; and

(3) has submitted the fee required in section 4 of this rule.

*(Fire Prevention and Building Safety Commission; 675 IAC 26-2-2)*

#### 675 IAC 26-2-3 Licensure examination

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5

Affected: IC 35-47.5-5-11

Sec. 3. (a) The subjects for the licensed regulated explo-

sive use-blaster examination are as follows:

(1) Explosives and related products, including the following:

(A) High explosives.

(B) Blasting agents.

(C) Chemical and physical properties of explosive products and appropriate product selection.

(2) Detonation materials and unique product properties, and methods of use, including the following:

(A) Electric detonators.

(B) Nonelectric detonators.

(C) Boosters and primers.

(D) Detonating cord.

(E) Detonating tube.

(3) Electric detonators/special conditions, including the following:

(A) Required safety testing procedures.

(B) Approved test equipment.

(C) Approved blasting machines.

(4) Blast layout and blasthole design, including the following:

(A) Geology.

(B) Topography.

(C) Burden and spacing calculations.

(D) Drill hole diameter and pattern placement.

(E) Blasthole detonation timing.

(5) Control of airblast, ground vibration, and flyrock, including the following:

(A) Seismograph equipment usage.

(B) Airblast monitoring and control measures.

(C) Scale distance calculations.

(D) Detonator timing sequences.

(E) Flyrock reduction techniques.

(6) Blasting records, including the following:

(A) Delivery, storage, and use reports.

(B) Blasting log.

(C) Seismograph log.

(D) Record retention requirements.

(7) Unpredictable hazards, including the following:

(A) Weather conditions.

(B) Stray current.

(C) Radio frequency energy.

(D) Misfire conditions.

(E) Site security and safety.

(8) Applicable federal and state regulations and statutes.

(9) New product and procedure technology.

(b) The approved testing agency shall obtain the form and content of the examination from the office of the state fire marshal and shall administer the examination in accordance with the following:

(1) A minimum of seventy percent (70%) grade is required to pass the examination.

(2) One (1) or more proctors shall monitor each examination.

- (3) A photo identification must be provided by the applicant.
- (4) Once all admission requirements have been verified, the applicant will be allowed to take the examination.
- (5) Once the examination has begun, the entrance to the examination site will be secured and no additional applicants will be permitted to enter.
- (6) Each examination participant shall sign and date the student registration form.
- (7) Examination participants shall be seated at least five (5) feet away from each other participant.
- (8) Any examination participant observed talking to another examination participant while either has his or her answer sheet in his or her possession shall be immediately dismissed from the examination and shall receive a score of zero (0) on the examination.
- (9) Any examination participant observed copying from another participant's paper shall:
  - (A) be immediately dismissed from the examination; and
  - (B) receive a score of zero (0) on the examination.
- (10) The maximum time allowed for each examination shall be three (3) hours.
- (11) At the end of the examination period, the proctor shall ensure that:
  - (A) each student returns:
    - (i) the test booklet;
    - (ii) the completed answer sheet; and
    - (iii) the completed registration form; and
  - (B) no marks were made on the test booklet.
- (12) The proctor shall seal all test booklets and answer sheets, and the authorized testing agency shall process the answer sheets for scoring. Each participant shall be notified in writing by the authorized testing agency of his or her examination score within ten (10) business days after the completion of the examination.
- (13) If more than one (1) room is being used for the examination, a minimum of one (1) proctor per room shall be required.

*(Fire Prevention and Building Safety Commission; 675 IAC 26-2-3)*

**675 IAC 26-2-4 Issuance of licensed regulated explosive use-blaster license; reciprocity; renewal of license; maintenance and sanctions**

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5  
Affected: IC 22-12-7-7; IC 35-47.5-5-11

- Sec. 4. (a) The office of the state fire marshal shall issue a license to an individual who:**
- (1) complies with the requirements of section 2 of this rule or is certified under 312 IAC 25-9; and
  - (2) pays the licensure fee of one hundred seventy-five dollars (\$175), payable to the fire and building services fund.

(b) A license expires three (3) years from the date the individual is initially licensed as a licensed regulated explosive use-blaster. Renewal of licenses shall be as set forth in subsection (h).

(c) A license shall not be assigned or transferred.

(d) A licensed regulated explosive use-blaster shall carry his or her license in his or her possession at all times when blasting is occurring.

(e) Reciprocal licensure shall be granted to an individual as follows:

- (1) The individual presents an application on a form approved by the fire prevention and building safety commission, together with an original licensure document from another state or federal agency evidencing licensure under requirements that are substantially similar to the requirements of this rule.
- (2) The individual submits a fee in the amount of one hundred seventy-five dollars (\$175).

(f) For purposes of subsection (e)(1), the licensure or certification requirements of the states of Illinois, Kentucky, and Ohio are deemed substantially similar to the requirements of this rule.

(g) Reciprocal licensure shall be effective for the duration of licensure or certification issued by the originating agency described in subsection (e)(1).

(h) For renewal of licensure, the individual shall:

- (1) accrue a minimum of eight (8) hours per year of continuing education in one (1) or more of the subjects listed in section 3(a) of this rule. For purposes of this subsection, "per year" means each of three (3) twelve (12) calendar month periods, beginning on either the date that individual received initial licensure under section 2 of this rule or the date of licensure or certification by the originating agency described in subsection (e)(1);
- (2) submit a renewal application on a form approved by the office of the state fire marshal;
- (3) submit evidence of compliance with the continuing education requirements contained in subdivision (1);
- (4) have successfully completed the examination described in section 2(1) of this rule; and
- (5) pay a fee in the amount of one hundred seventy-five dollars (\$175).

(i) To maintain licensure, the individual shall comply with all applicable rules of the fire prevention and building safety commission. Failure to comply may subject the holder of a licensed regulated explosive use-blaster license to sanctions contained in IC 22-12-7-7. *(Fire Prevention and Building Safety Commission; 675 IAC 26-2-4)*

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### 675 IAC 26-2-5 Application for licensure as a licensed regulated explosive use-operator

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5  
Affected: IC 35-47.5-5-11

Sec. 5. A person who takes possession of a regulated explosive in the state of Indiana for the purpose of detonation under the person's direction or control shall submit an application to become a licensed regulated explosive use-operator to the office of the state fire marshal on a form approved by the fire prevention and building safety commission and under penalty of perjury. (*Fire Prevention and Building Safety Commission; 675 IAC 26-2-5*)

### 675 IAC 26-2-6 Issuance of licensed regulated explosive use-operator license; maintenance; renewal

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5  
Affected: IC 35-47.5-5-11

Sec. 6. (a) The office of the state fire marshal shall issue a licensed regulated explosive use-operator license to a person who has:

- (1) applied under section 5 of this rule; and
- (2) paid a fee in the amount of three hundred fifty dollars (\$350).

(b) A licensed use permit expires three (3) years from the date it was issued by the office of the state fire marshal.

(c) To renew licensure, a person shall:

- (1) submit an application on a form approved by the office of the state fire marshal;
- (2) pay a fee in the amount of three hundred fifty dollars (\$350);
- (3) accrue a minimum of eight (8) hours per year of continuing education in one (1) or more of the subjects listed in section 3(a) of this rule. For purposes of this subsection, "per year" means each of three (3) twelve (12) calendar month periods, beginning on the date that applicant received initial licensure under this section. For purposes of this subsection, the continuing education requirements shall be completed by an officer, partner, or manager of a person who is:
  - (A) a partnership;
  - (B) a copartnership;
  - (C) a company;
  - (D) a corporation;
  - (E) a limited liability company; or
  - (F) an association; and
- (4) submit evidence of compliance with the continuing education requirements contained in subdivision (3).

(*Fire Prevention and Building Safety Commission; 675 IAC 26-2-6*)

### 675 IAC 26-2-7 Orders, sanctions, and appeals

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5  
Affected: IC 4-21.5-3; IC 22-12-7-7; IC 35-47-1-5; IC 35-47.5-2-13; IC 35-47.5-5-11

Sec. 7. (a) The office of the state fire marshal may enforce the provisions of this rule through the issuance of administrative orders under IC 22-12-7.

(b) Orders issued under subsection (a) may include corrective actions or sanctions in accordance with IC 22-12-7-7.

(c) Any person aggrieved by an order issued by the office of the state fire marshal may petition for administrative review under IC 22-12-7 and IC 4-21.5-3. (*Fire Prevention and Building Safety Commission; 675 IAC 26-2-7*)

### Rule 3. Use Requirements

### 675 IAC 26-3-1 Adoption of NFPA 495; Explosive Materials Code

Authority: IC 22-11-14.5-3; IC 22-13; IC 35-47.5-4-4.5  
Affected: IC 35-47.5-5-11

Sec. 1. (a) That certain document, being titled the NFPA 495, Explosive Materials Code, 2001 edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, is hereby incorporated by reference as if fully set out in this rule save and except those revisions made in this rule.

(b) This rule is available for reference and review at the Fire and Building Services Department, Indiana Government Center-South, 402 West Washington Street, W246, Indianapolis, Indiana 46204.

(c) Delete Chapter 1 in its entirety.

(d) Delete Chapter 2 in its entirety.

(e) Amend Section 3.3.7 to read as follows: Blaster means a licensed regulated explosive use-blaster.

(f) Add Section 3.3.45.1 to read as follows: Regulated explosive has the meaning set forth in IC 35-47.5-2-13.

(g) Add Section 3.3.55.1 to read as follows: Stemming means the inert material, such as drill cuttings or crushed stone, used in a blasthole to confine the gaseous products of detonation.

(h) Add Section 3.3.55.2 to read as follows: Tamping means the process of compressing the stemming or regulated explosive in a blasthole.

(i) Delete Section 4.1 in its entirety.

(j) Amend Section 4.2.1 to read as follows: No person shall take possession of explosive materials for the purpose of detonation under the person's direction or control without first obtaining a licensed regulated explosive use-operator license.

(k) Add Section 4.2.1.1 to read as follows: The loading and firing of explosive materials shall be conducted only under the control of a licensed regulated explosive use-blaster.

(l) Amend Section 4.2.3 to read as follows: Every licensed regulated explosive use-operator and every licensed regulated explosive use-blaster shall be responsible for the results and consequences of any loading or firing of explosive materials. All loading and firing shall be supervised and performed by a licensed regulated explosive use-blaster.

(m) Delete Section 4.3 in its entirety.

(n) Delete Section 4.4 in its entirety.

(o) Delete Section 4.5 in its entirety.

(p) Delete Section 4.6 in its entirety.

(q) Delete Section 4.7 in its entirety.

(r) Amend Section 4.8.1 to read as follows: A licensed regulated explosive use-operator shall keep a record of all transactions or operations involving explosive materials.

(s) Delete Section 4.8.2 in its entirety.

(t) Amend Section 4.8.3 to read as follows: A licensed regulated explosive use-operator shall keep a daily record of all explosive materials received and fired or otherwise disposed of by the licensed regulated explosive use-operator.

(u) Add Section 4.8.3.1 to read as follows: A record of each blast shall be kept. All such records shall contain at least the following data:

- (1) The name of the licensed regulated explosive use-operator.
- (2) The exact location of the blast, with date and time of detonation.
- (3) The name, signature, and license number of the licensed regulated explosive use-blaster on site at the blast.
- (4) The type of material blasted.
- (5) The number of holes, burden, and spacing.
- (6) The diameter and depth of holes.
- (7) The types of explosives used.
- (8) The total amount of explosives used, in pounds.
- (9) The maximum weight of explosives per delay period of eight (8) milliseconds or greater.
- (10) The method of firing and type of circuit.
- (11) The direction, distance in feet, and identification of the nearest Class 1 or Class 2 structure that is neither owned nor operated by the entity in subdivision (1) or (3).
- (12) The weather conditions.
- (13) The type and height or length of stemming.
- (14) A statement as to whether mats or other protections

against flyrock were used.

(15) The type of detonators used and delay periods used.

(16) Seismograph readings, where required, shall accurately indicate the exact location of the seismograph and the distance from the seismograph to the blast. The seismograph shall create a visually inspectable Cartesian presentation of all three (3) mutually perpendicular vibration traces and one (1) acoustic channel versus time, and having both vertical and horizontal scaling factors.

(17) Seismograph records, where used, shall include the following:

(A) The name of the person analyzing the seismographic record.

(B) The seismograph reading.

(18) The maximum number of charges within any period of eight (8) milliseconds.

(19) A sketch of the blast pattern, including the number of holes, burden and spacing delay pattern, and a hole profile.

(v) Amend Section 4.8.4 to read as follows: A licensed regulated explosive use-operator shall notify the office of the state fire marshal of any change in address.

(w) Amend Section 4.8.5 to read as follows: A licensed regulated explosive use-operator shall notify the office of the state fire marshal of the loss, theft, or unlawful removal of explosive materials within twenty-four (24) hours.

(x) Delete Chapter 5 in its entirety.

(y) Delete Chapter 6 in its entirety.

(z) Delete Chapter 7 in its entirety.

(aa) Delete Chapter 8 in its entirety.

(bb) Amend Section 9.1.1 to read as follows: All licensed regulated explosive use-blasters and licensed regulated explosive use-operators shall comply with all applicable federal and state laws with respect to the sale, possession, storage, and use of explosive materials.

(cc) Delete Section 9.1.2 in its entirety.

(dd) Amend Section 9.1.3 to read as follows: Explosive materials shall be used only by individuals who are under the direct, on-site supervision of a licensed regulated explosive use-blaster.

(ee) Amend Section 9.1.3.1 to read as follows: Loading and firing shall be performed or supervised directly by a licensed regulated explosive use-blaster who is present at the blast site.

(ff) Amend Section 9.1.3.2 to read as follows: Trainees, helpers, and other individuals who are not licensed regulated explosive use-blasters shall work only under the

## Proposed Rules

direct, on-site supervision of a licensed regulated explosive use-blaster.

(gg) Amend Section 9.1.4.3 to read as follows: No individual within fifty (50) feet of any location where explosives are being handled or used shall carry any matches, open light, other fire or flame, or firearms (as defined in IC 35-47-1-5).

(hh) Amend Section 9.1.5 to substitute “individual” for “person”.

(ii) Delete Section 9.1.8 in its entirety.

(jj) Delete Section 9.1.9 in its entirety.

(kk) Delete Section 9.1.10 in its entirety.

(ll) Delete Section 9.1.11 in its entirety.

(mm) Amend Section 9.1.12 to read as follows: Where blasting is done in a congested area or in close proximity to a structure, railway, highway, or any other installation that could be affected, special precautions shall be taken.

(nn) Amend Section 9.1.13 to read as follows: Individuals authorized to prepare explosive charges and licensed blasters shall use every reasonable precaution to ensure the safety of the general public and workers.

(oo) Amend Section 9.1.15 to read as follows: Where blasting is conducted in the vicinity of utility lines or rights-of-way, the licensed regulated explosive use-operator shall notify the appropriate representatives of the utilities at least twenty-four (24) hours in advance of blasting, specifying the location and the intended time of such blasting. Verbal notice shall be confirmed with written notice.

(pp) Amend Section 9.1.15 to delete the exception.

(qq) Amend Section 9.1.16 to delete item (1) and amend item (2) to read as follows: Observance of nationally recognized standards, including, without limitation, standards published by the Institute of Makers of Explosives.

(rr) Amend Section 9.2 to read as follows: Blasthole loading.

(ss) Amend Section 9.3.5 to read as follows: All electric blasting circuits and other initiating systems whose continuity can be tested shall be tested with a blasting galvanometer or other blast continuity test instrument as recommended by the product manufacturer. All electrically initiated blasts shall be made by using blasting machines suitable for the circuitry being fired.

(tt) Amend Section 9.5.4 to read as follows: Where there are misfires using cap and fuse, all personnel shall stay clear of the blast site for at least thirty (30) minutes.

(uu) Amend Section 9.5.5 to read as follows: Where there are misfires using other nonelectric detonators, that is, other than cap and fuse, all personnel shall stay clear of the blast site for at least fifteen (15) minutes, and, where there are misfires using electric detonators, all personnel shall stay clear of the blast site for at least thirty (30) minutes.

(vv) Amend Section 9.5.6 to read as follows: Misfires shall be the responsibility of the licensed regulated explosive use-blaster in charge of the blasting operation.

(ww) Amend Section 9.6.3 to read as follows: All explosive materials that are obviously deteriorated or damaged shall not be used and shall be destroyed in accordance with the manufacturer’s guidelines or instructions.

(xx) Amend Section 10.1.1 to read as follows: At all blasting operations, the maximum ground vibration at any dwelling, public building, school, church, or commercial or institutional building adjacent to the blasting site shall not exceed the limitations specified in Table 10.1.1 and Table 10.1.2(b) unless the license use permittee has a written waiver from the property owner.

(yy) Amend Table 10.1.1 to read as follows:

Table 10.1.1 Peak Particle Velocity Limits

Distance from Blasting Site		Maximum Allowable Peak Particle Velocity	
m	ft	mm/s	in./s
all distances	all distances	25.4	1.00

(zz) Amend Section 10.1.2 to read as follows: In lieu of Table 10.1.1, a licensed regulated explosive use-operator shall have the option to use the graph shown in Figure 10.1.2(b) to limit peak particle velocity based upon the frequency of the blast vibration.

(aaa) Delete Figure 10.1.2(a) in its entirety.

(bbb) Amend Section 10.1.3 to read as follows: Unless a licensed regulated explosive use-operator uses a seismograph to monitor a blast to ensure compliance with Table 10.1.1 or Figure 10.1.2(a), the licensed regulated explosive use-operator shall comply with the scaled distance equations shown in Table 10.1.3.

(ccc) Amend Table 10.1.3 to read as follows:

Table 10.1.3 Scaled Distance Equations

Distance from Blasting Site	Scaled Distance* Equation
All distances	$W(\text{lb}) = [D(\text{ft})/60]^2$ $\{W(\text{kg}) = [D(\text{m})/27.15]^2\}$

W equals the maximum weight of regulated explosives in pounds (or kilograms) that can be detonated per delay interval of 8 milliseconds or longer.

D equals the distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, or commercial or institutional building not owned, leased, or contracted by the licensed regulated explosive use-operator, or on property for which the owner has not provided a written waiver to the licensed regulated explosive use-operator.

\*To convert English units of scaled distances (ft/lb<sup>2</sup>) to metric units (m/kg<sup>2</sup>), divide by a factor of 2.21.

(ddd) Amend Section 10.1.4 to read as follows: Where the licensed regulated explosive use-operator is using scaled distance equations, the office of the state fire marshal may require seismographic monitoring of shots.

(eee) Amend Section 10.2.1 to read as follows: Airblast at the locations of any dwelling, public building, school, church, or commercial or institutional building not owned, leased, or contracted by the licensed regulated explosive use-operator, or on property for which the owner has not provided a written waiver to the licensed regulated explosive use-operator, shall not exceed the maximum limits specified in Table 10.2.1.

(fff) Amend Table 10.2.1 to read as follows:

Table 10.2.1 Air Blast Limits

Lower Frequency of Measuring System [Hz (± 3 db)]	Measurement Level (db)
2 Hz or lower . . . . . flat response	133 peak
6 Hz or lower . . . . . flat response	129 peak

(ggg) Amend Section 10.3.2 to read as follows: Flyrock shall not be propelled from the blast site onto property not contracted by the licensed regulated explosive use-operator or onto property for which the owner has not provided a written waiver to the licensed regulated explosive use-operator.

(hhh) Delete Chapter 11 in its entirety.

(iii) Delete Chapter 12 in its entirety. (Fire Prevention and Building Safety Commission; 675 IAC 26-3-1)

SECTION 3. SECTION 2 of this document takes effect July 1, 2005.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 18, 2005 at 10:30 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room C, Indianapolis, Indiana; AND on April 5, 2005, at 10:00 a.m., Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a

public hearing on proposed rules concerning the adoption of NFPA 1126, and licensure of users of regulated explosives, including the adoption of NFPA 495. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Luther J. Taylor, Sr.  
Secretary  
Fire Prevention and Building Safety Commission

TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION

Proposed Rule  
LSA Document #04-227

DIGEST

Adds 675 IAC 15-1.1 through 675 IAC 15-1.7, Administrative Rules for Industrialized Building Systems and Mobile Structures. Repeals 675 IAC 15-1. Effective 30 days after filing with the secretary of state.

675 IAC 15-1	675 IAC 15-1.4
675 IAC 15-1.1	675 IAC 15-1.5
675 IAC 15-1.2	675 IAC 15-1.6
675 IAC 15-1.3	675 IAC 15-1.7

SECTION 1. 675 IAC 15-1.1 IS ADDED TO READ AS FOLLOWS:

Rule 1.1. Title; Purpose; Applicability; Definitions

675 IAC 15-1.1-1 Title; purpose; applicability  
Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-15-4-4

Sec. 1. (a) This rule and 675 IAC 15-1.2 through 675 IAC 15-1.7 shall be known as Administrative Rules for Industrialized Building Systems and Mobile Structures.

(b) This rule and 675 IAC 15-1.2 through 675 IAC 15-1.7 applies to all industrialized building systems and mobile structures for sale, lease, or use in the state of Indiana with the following exceptions:

- (1) A manufactured home.
- (2) An industrialized building system or mobile structure governed by an agreement made under IC 22-15-4-4.
- (3) Construction trailers.

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.1-1)

675 IAC 15-1.1-2 Definitions

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12-1; IC 25-4; IC 25-31; IC 32-1-6-2; IC 32-25-2-9; IC 36-7-2-9; IC 36-8-17

## Proposed Rules

Sec. 2. (a) The definitions in IC 22-12-1 and this section apply throughout this rule and 675 IAC 15-1.2 through 675 IAC 15-1.7.

(b) "Building official" means the following:

- (1) The office of the state building commissioner.
- (2) The office of the state fire marshal.
- (3) The local building officials authorized under IC 36-7-2-9 and a local ordinance approved by the commission.
- (4) The fire department authorized under IC 36-8-17.

(c) "Class 1 structures" is defined as follows:

(1) "Class 1 structure" means any part of the following:  
(A) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

- (i) The public.
- (ii) Three (3) or more tenants.
- (iii) One (1) or more persons who act as the employees of another.

(B) A site improvement affecting access by persons with a physical disability to a building or structure described in clause (A).

(2) Subdivision (1)(A) includes a structure that contains three (3) or more condominium units (as defined in IC 32-25-2-9) or other units that:

- (A) are intended to be or are used or leased by the owner of the unit; and
- (B) are not completely separated from each other by an unimproved space.

(3) Subdivision (1)(A) does not include the following:

- (A) A building or structure that:
  - (i) is intended to be or is used only for an agricultural purpose on the land where it is located; and
  - (ii) is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.
- (B) A Class 2 structure.
- (C) A vehicular bridge.
- (D) A structure that is intended to be or is occupied solely to provide periodic maintenance or repair of:
  - (i) the structure; or
  - (ii) mechanical or electrical equipment located within and affixed to the structure.

(d) "Class 2 structure" is defined as follows:

(1) "Class 2 structure" means any part of the following:  
(A) A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(B) An outbuilding for a structure described in clause (A), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(2) Subdivision (1) does not include a vehicular bridge.

(e) "Commission" means the fire prevention and building safety commission.

(f) "Commissioner" means the state building commissioner.

(g) "Component" means one (1) or more parts of a fabricated unit.

(h) "Construction" means the fabrication of any part of an industrialized building system or mobile structure for use at another site.

(i) "Construction trailer" means an industrialized building system or mobile structure sited at a construction site for the purpose of storing tools and materials related to the project being constructed.

(j) "Design professional" means an architect or professional engineer who is registered under IC 25-4 or IC 25-31.

(k) "Industrialized building system" means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

(l) "Manufactured home" means a structure, transportable in one (1) or more sections, that:

- (1) in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length; or
- (2) when erected on site:

- (A) is three hundred twenty (320) or more square feet;
- (B) is built on a permanent chassis;
- (C) is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities; and
- (D) includes the plumbing, heating, air conditioning, and electrical systems contained therein;

except that the term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 24 U.S.C. 5401 et seq.

(m) "Manufacturer's installation instructions" means instructions for the proper erection, assembly, or installation of an industrialized building system or mobile structure or component produced by the manufacturer.

(n) "Mobile home" means a dwelling unit of vehicular,

portable design built before 1974 on a chassis and designed and intended to be:

- (1) moved from one (1) site to another; and
- (2) used without a permanent foundation.

(o) “Mobile structure” is defined as follows:

(1) “Mobile structure” means any part of a fabricated unit that is designed to be:

- (A) towed on its own chassis; and
- (B) connected to utilities for year-round occupancy or used as a Class 1 structure, a Class 2 structure, or another structure.

(2) The term includes the following:

- (A) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.
- (B) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

(p) “Permanent foundation” means any structural system capable of transferring loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.

(q) “Prototype” means an industrialized building system or mobile structure of original design that serves as a model for future industrialized building system or mobile structure product lines.

(r) “Quality control manual” means a manual prepared by a manufacturer for its manufacturing plants that outlines the manufacturer’s quality control program.

(s) “Seal of acceptance” means a certification issued by the office of the state building commissioner for an industrialized building system or a mobile structure.

(t) “Site construction” means the work undertaken to erect, assemble, or install any part or component of an industrialized building system or mobile structure at the site where it will be used or occupied, except the relocation of a mobile structure.

(u) “System” means an industrialized building system or a mobile structure.

(v) “System plan” means the:

- (1) drawings;
- (2) specifications;
- (3) structural typical system plans;
- (4) quality control manual; or
- (5) manufacturer’s installation instructions;

submitted to the office of the state building commissioner. A system shall be based on one (1) completed width of structure and the number of stories.

(w) “Structural safety” means the continued capability of load bearing members of a building or structure to transmit actual and design live and dead loads to a foundation or other load-bearing members within the allowable working stresses of the materials or assembly of materials involved.

(x) “Structural/typical system plan” means structural or typical, or both, details submitted to supplement one (1) or more system plans and that are to be referenced by those system plans.

(y) “Third party inspection agency” means a person authorized by the commission to conduct inspections of and issue a seal of acceptance for industrialized building systems or mobile structures, or both.

(z) “Unit” means one (1) part of an industrialized building system or mobile structure that is one (1) part of the whole industrialized building system or mobile structure. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.1-2)*

SECTION 2. 675 IAC 15-1.2 IS ADDED TO READ AS FOLLOWS:

**Rule 1.2. Administrative Rules for Industrialized Building Systems and Mobile Structures**

**675 IAC 15-1.2-1 Scope**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
 Affected: IC 22-12; IC 22-15-4

**Sec. 1.** The purpose of 675 IAC 15-1.1, this rule, and 675 IAC 15-1.3 through 675 IAC 15-1.7 is to establish administrative procedures and general provisions for the rules of the commission pertaining to industrialized building systems and mobile structures. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-1)*

**675 IAC 15-1.2-2 Design release for manufacture; requirements**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
 Affected: IC 22-12; IC 22-15

**Sec. 2.** It shall be unlawful for any person to commence production of an industrialized building system or mobile structure or cause the same to be done without first obtaining one (1) of the following from the office of the state building commissioner:

- (1) A system design release.
- (2) Prototype status.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-2)*

**675 IAC 15-1.2-3 Design release application requirements**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-2  
 Affected: IC 22-12; IC 22-15

## Proposed Rules

Sec. 3. (a) An application for a design release for an industrialized building system or mobile structure, including an application for a modification of a system plan governed by an existing design release, shall be submitted to the office of the state building commissioner.

(b) The application shall be submitted by:

- (1) the manufacturer;
- (2) the design professional; or
- (3) the third party inspection agency;

on behalf of the manufacturer.

(c) The applicant shall use the forms and format specified by the office of the state building commissioner for the application. All plans, specifications, and other supporting documentation must also be submitted in the format specified by the office of the state building commissioner.

(d) The following information shall be included on the application:

- (1) The name and address, including city, state, and zip code, telephone number, facsimile number, and electronic mail address of the manufacturer, as well as the name of the authorized third party inspection agency, if utilized.
- (2) The name and address, including city, state, and zip code, telephone number, facsimile number, electronic mail address, and registration number of the design professional, if the completed structure will exceed thirty thousand (30,000) cubic feet.
- (3) An identification of the type of industrialized building system or mobile structure system based on the classification in section 6 of this rule.
- (4) The length of the unit produced; multiple lengths may be included.
- (5) A list and description of the components contained in the unit or units.
- (6) An indication of the use and occupancy.
- (7) The number of completed stories.
- (8) The number of units in the completed structure.
- (9) The completed width of the unit.
- (10) A description of the use of the structure in detail and types of materials stored, if any.
- (11) The name, address, including city, state, and zip code, telephone number, facsimile number, and electronic mail address for each manufacturer's facility producing under the design release.
- (12) Signatures and affirmations in compliance with section 4 of this rule.

(e) A quality control manual shall be submitted as required in section 15 of this rule. Submission of this quality control manual is not required if it has been previously submitted and released by the office of the state building commissioner and the quality control manual is not being revised.

(f) Plans and specifications accompanying the application shall be submitted as required in section 5 of this rule.

(g) The fee required by 675 IAC 15-1.6 shall be submitted with the application. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-3*)

### 675 IAC 15-1.2-4 Signatories to design release application

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12-1-3; IC 22-15

Sec. 4. (a) All design release applications must be signed by the manufacturer as follows:

(1) For a corporation, the signatory shall be a responsible corporate officer. For the purpose of this section, "responsible corporate officer" means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy making or decision making functions for the corporation.

(2) For a partnership or sole proprietorship, the signatory shall be a general partner or the proprietor, respectively.

(3) Alternatively, a duly authorized representative of a signatory listed under subdivision (1) or (2) may be the signatory on the application. A person is a duly authorized representative only if:

(A) the authorization is made in writing by an individual described in subdivision (1) or (2);

(B) the authorization specifies either an individual or a position having responsibility in the industrialized building or mobile structures manufacturing facility of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for building and fire safety matters for the manufacturer; and

(C) the written authorization is submitted to the office of the state building commissioner, if requested.

(b) The manufacturer shall make the following affirmation on the application: I affirm, under penalty of perjury, that:

(1) the proposed industrialized building system or mobile structure will be fabricated in compliance with all applicable rules of the commission; and

(2) the construction of the proposed industrialized building system or mobile structure will not deviate from the plans and specifications submitted with the application and released by the office of the state building commissioner except as authorized under section 11 of this rule.

(c) If a design professional is required by section 8 of this rule, the design professional shall make the following affirmation on the application: I affirm under penalty of perjury that:

(1) the information contained in the application is true, accurate, and complete;

(2) the plans and specifications submitted with the application:

(A) were either prepared by myself or under my direct supervision; and

(B) provided for the industrialized building system or mobile structure will meet all building laws as that term is defined by IC 22-12-1-3; and

(3) I will inspect the construction covered by the application at intervals appropriate to the stage of the fabrication to verify and ensure that the work is proceeding in accordance with the system release.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-4)*

**675 IAC 15-1.2-5 Plans; specifications; requirements.**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3

Affected: IC 22-12; IC 22-13-2-11; IC 22-15

**Sec. 5. (a)** All plans and specifications filed with an application for design release shall comply with this section.

(b) All plans and specifications and any supporting data shall be sufficiently clear and complete to show in detail that the proposed work will comply with the rules of the commission. They shall be in the English language and dimensions shall be in the English units of measurement (yards, feet, or inches).

(c) One (1) complete set of plans and specifications required by this section shall be filed for review.

(d) If a design professional is required by section 8 of this rule, the following requirements are applicable:

(1) The plans and specifications shall be prepared by a design professional who is competent to design the construction covered by the application.

(2) Each page of the plans and the title page of the specifications shall include the legible signature and seal of:

- (A) the design professional described in subdivision (1); or
- (B) a member of the design professional's technical or professional staff.

(e) Plans and specifications filed under this section shall include all of the following as applicable:

(1) Plans and specifications shall indicate the manufacturer's name, office address, and name and address of each manufacturing facility listed to fabricate the released system.

(2) Dimensioned floor plans, drawn to scale, with room identification.

(3) Wall elevations of all exterior walls.

(4) Cross sections and details of walls, floors, and roof construction showing dimensions and materials.

(5) Structural plans and elevations showing size and location of all structural members, truss design and

frames (where applicable), connection details, and all stress calculations, if specifically required, to ensure structural safety.

(6) Details showing how required structural and fire-resistive integrity are maintained where wall, floor, and ceiling penetrations are made for items such as electrical, plumbing, and communications systems.

(7) Room finish schedule showing finishes for wall, ceiling, and floors in all rooms, stairways, and corridors.

(8) Door schedule including the following:

- (A) Materials.
- (B) Size.
- (C) Thickness.
- (D) Hardware.
- (E) Fire rating for all doors (if required).

(9) Window schedule including the following:

- (A) Light.
- (B) Vent.
- (C) Egress.
- (D) Safety glazing.
- (E) Hardware information, where applicable.

(10) Construction specifications (may be on design drawings).

(11) Electrical plans, diagrams, and details of electrical service equipment.

(12) Plumbing plan including the following:

- (A) Fixture location.
- (B) Risers.
- (C) Drains.
- (D) Piping isometrics, including sizes and materials of piping.

(13) Mechanical plans indicating location and sizes of equipment and sizes and materials of ducts.

(14) Energy conservation design criteria, including the following:

- (A) Exterior envelope components materials.
- (B) "U" values of the envelope systems.
- (C) "R" values of insulation materials.
- (D) Size and type of apparatus.
- (E) Equipment and system controls.

(15) Accessibility for persons with a physical disability, including the following:

- (A) Access to the buildings.
- (B) Any interior ramps with slope dimensions.
- (C) Restroom layouts indicating clearances.
- (D) Grab bars.
- (E) Door swings.
- (F) Door sizes.

(16) Fire protections systems, including the following:

- (A) Automatic sprinklers.
- (B) Fire pumps.
- (C) Detection and alarm systems.
- (D) Emergency power.
- (E) Communication systems.

(17) Additional information as may be needed to demon-

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strate that the proposed construction will comply with the rules of the commission.

(18) Data plate shall be located near the main electrical panel. If the industrialized building system or mobile structure does not contain an electrical panel, then the location shall be identified on the systems plans.

(f) Plans and specifications may be filed with the office of the state building commissioner by one (1) of the following methods:

(1) Plans and specifications may be bound in a loose-leaf binder, eight and one-half (8½) inch by eleven (11) inch format. All documents submitted shall be organized, indexed, and tabbed. All binders shall bear the manufacturer's name on the front and bound edge.

(2) Electronic mail (e-mail) by method of attaching the required documentation. Electronic filings shall be compatible with the software used by the office of the state building commissioner. The electronic documentation shall be organized, indexed, and tabbed.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-5)*

### 675 IAC 15-1.2-6 Applicable codes for design and construction

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-15

Sec. 6. (a) An industrialized building system that is a Class 2 structure shall be affixed with a modular unit seal of acceptance and shall be designed and constructed in accordance with the Indiana Residential Code (675 IAC 14). Exceptions are as follows:

(1) Townhouse units are Class 1 structures, but shall be designed and constructed in accordance with the Indiana Residential Code (675 IAC 14).

(2) The Indiana Plumbing Code (675 IAC 16) may be used instead of the plumbing sections in the Indiana Residential Code (675 IAC 14).

(3) The Indiana Electrical Code (675 IAC 17) may be used instead of the electrical sections in the Indiana Residential Code (675 IAC 14).

(b) An industrialized building system that is a Class 1 structure shall be affixed with a modular unit seal of acceptance and shall be designed and constructed in accordance with the following:

(1) The Indiana Building Code (675 IAC 13).

(2) The Indiana Plumbing Code (675 IAC 16).

(3) The Indiana Electrical Code (675 IAC 17).

(4) The Indiana Mechanical Code (675 IAC 18).

(5) The Indiana Fuel Gas Code (675 IAC 25).

(6) The Indiana Energy Conservation Code (675 IAC 19).

Townhouse units are Class 1 structures, but shall be designed and constructed in accordance with the Indiana Residential Code (675 IAC 14).

(c) Mobile Structures that are Class 1 structures shall be affixed with a mobile unit seal of acceptance and shall be designed and constructed in accordance with the Indiana Mobile Structures Code (675 IAC 15-2). Exceptions are as follows:

(1) The Indiana Energy Conservation Code (675 IAC 19) may be used instead of the Indiana Mobile Structures Code for energy conservation requirements.

(2) A mobile structure shall comply with the accessibility requirements in 675 IAC 13-2.4-110.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-6)*

### 675 IAC 15-1.2-7 Alternate materials, methods, and designs

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12; IC 22-15

Sec. 7. (a) This section does not authorize a variance from any rule adopted by the commission.

(b) The rules adopted by the commission do not prevent the use of:

(1) materials;

(2) methods of construction; or

(3) design procedures;

if they are not specifically prohibited in the rules and if they are approved under subsection (c) or (d).

(c) The state fire marshal and the state building commissioner may, in the review of an application for a design release, consider as evidence of compliance with the rules adopted by the commission any evaluation report that:

(1) contains limitations, conditions, or standards for alternative materials, method of construction, or design procedures; and

(2) is published by an independent, nationally recognized testing laboratory or any of the following:

(A) Factory Mutual Loss Prevention Data Sheets and test reports (FM).

(B) International Organization for Standardization (ISO) (ISO standards listed by the American National Standards Institute).

(C) International Electrotechnical Commission (IEC) (IEC standards listed by the American National Standards Institute).

(D) Japan Industrial Standards (JIS) that are shown to be equivalent to ANSI standards.

(E) German Institute for Standards (Deutsches Institut für Normung) (DIN) that are shown to be equivalent to ANSI standards.

(F) French Standards Association (AFNOR) that are shown to be equivalent to ANSI standards.

(G) Canadian Standards Association (CSA) that are shown to be equivalent to ANSI standards.

(H) Swedish Institute for Technical Approval in Con-

struction (SITAC) that are shown to be equivalent to ANSI standards.

(I) Swedish Standards (SIS) that are found to be equivalent to ANSI standards.

(J) BOCA Evaluation Services, Inc., Building Officials and Code Administrators International (BOCA) (research reports).

(K) Council of American Building Officials (CABO) (National Evaluation Services (NES) evaluation reports).

(L) ICBO Evaluation Services Inc., International Conference of Building Officials (ICBO) (ICBO Evaluation Service Inc. evaluation reports).

(M) SBCCI Public Safety Testing and Evaluation Services, Inc., Southern Building Code Congress International (SBCCI) (compliance reports).

(N) International Association of Plumbing and Mechanical Officials (IAPMO) (Directory of Research Recommendations).

(O) International Code Council (ICC) (evaluation reports)

(d) The state building commissioner and the state fire marshal may, in the review of an application for a design release, consider as evidence of compliance with 675 IAC 13-2.4-110 similar provisions of the Americans with Disabilities Accessibility Guidelines for Buildings and Facilities, 28 CFR 36, Appendix A in effect on July 1, 1997. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-7*)

**675 IAC 15-1.2-8 Design professional**

Authority: IC 22-13-2-13; IC 22-15-3-4  
Affected: IC 22-15-3; IC 25-4; IC 25-31

Sec. 8. (a) A design professional shall be required to certify any Class 1 structures if the completed structure would exceed thirty thousand (30,000) cubic feet, including attic space.

(b) The office of the state building commissioner may require a design professional to certify engineered components to substantiate claims that the proposed construction will comply with the rules of the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-8*)

**675 IAC 15-1.2-9 Issuance of the design release**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12-7-3; IC 22-12-7-12; IC 22-15

Sec. 9. (a) If an application for a design release has been properly submitted in accordance with section 3 of this rule, the office of the state building commissioner shall review the application and its accompanying plans and specifications in conjunction with the office of the state fire marshal.

(b) If during this review, the office of the state building

commissioner or the office of the state fire marshal conclude that additional information is needed to determine if the proposed system complies with the rules of the commission, the applicant may be requested to supply this additional information. If the applicant does not provide the requested additional information or documentation within thirty (30) days following the date of the request, the office of the state building commissioner may deny the application for a design release.

(c) If during this review, it is determined that there are minor omissions or items contrary to the rules of the commission, but that these minor omissions or contrary items would not adversely impact life safety, a conditional design release may be issued without the submission of corrected plans or specifications. Such conditions shall be binding.

(d) Before issuing a design release, the office of the state building commissioner will:

- (1) provide the office of the state fire marshal with the application, plans and specifications, and any other relevant information; and
- (2) obtain the written approval of the office of the state fire marshal for its issuance.

(e) If the office of the state building commissioner determines that the applicant has demonstrated that the construction will comply with all applicable building laws and the applicant has met all other applicable requirements, the design release will be issued.

(f) Under IC 22-12-7-3, the issuance or denial of a design release is governed by IC 4-21.5-3-4. Under IC 22-12-7-12, a decision to issue or deny a design release may be appealed to the commission under IC 4-21.5-3-7. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-9*)

**675 IAC 15-1.2-10 Expiration of design release**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12; IC 22-15

Sec. 10. (a) A design release shall not expire, except as provided in this section.

(b) If the rules of the commission applicable to the system for which the design release was issued are revised or replaced, a design release will expire on the effective date of this revision or replacement. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-10*)

**675 IAC 15-1.2-11 Addenda to released system**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12; IC 22-15

Sec. 11. (a) An addendum application shall be filed with the office of the state building commissioner for any

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proposed addition or revision to a released system plan, which could include any of the following:

- (1) A structural/typical system plan.
- (2) A quality control manual.
- (3) Specifications.
- (4) Manufacturer's installation instruction.

(b) All design, specification, or construction process changes that affect a released system plan shall be filed by the manufacturer in the same manner as required by section 3 of this rule.

(c) Signatures and affirmations in compliance with section 4 of the rule are required, if applicable.

(d) An addendum shall include any pertinent information as described in section 5 of this rule.

(e) A maximum of six (6) addenda may be made to a released system plan before the system plan must be resubmitted.

(f) The fees required by 675 IAC 15-1.6 shall be submitted with the application.

(g) The following revisions or changes do not require an addendum application to be filed:

(1) A total length of up to four (4) feet may be added to, or deleted from, a released system floor plan without necessitating resubmittal and release. This change may be made anywhere within the floor plan provided all other applicable code requirements are met and such changes in length are addressed within the released manufacturer's installation instructions. Among these code requirements are the minimum for natural light, natural ventilation, and emergency egress requirements as well as established minimum room sizes.

(2) Plumbing fixtures and bathrooms may be deleted from a released floor plan without necessitating resubmittal and release, provided the minimum code requirements are met by the resulting floor plan.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-11)*

### 675 IAC 15-1.2-12 Prototype

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12; IC 22-15

Sec. 12. (a) To obtain prototype status for a system, the manufacturer of a proposed prototype system shall submit the following to the office of the state building commissioner at least ten (10) days before the commencement of the construction of the prototype:

- (1) The following information:
  - (A) Projected start and finish dates.
  - (B) Model number.

(C) Serial number.

(D) Production plant location.

(E) Third party inspection agency or name of inspector from the office of the state building commissioner.

(2) Payment of appropriate fees in accordance with 675 IAC 15-1.6.

(b) The manufacturer shall not conceal any major portion of work on the prototype system until that portion has been inspected by a representative of the office of the state building commissioner or an authorized third party inspection agency.

(c) A prototype system shall comply with all applicable rules of the commission.

(d) The prototype system shall not be moved from the place of manufacture until a design release for the prototype system has been obtained from the office of the state building commissioner and an Indiana seal of acceptance has been applied in accordance with 675 IAC 15-1.3. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-12)*

### 675 IAC 15-1.2-13 Maintenance of design release; plans and specifications

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12; IC 22-15

Sec. 13. An application and a complete set of plans and specifications that conform exactly to the design that was released by the office of the state building commissioner shall be maintained in each manufacturing facility at all times for use by the office of the state building commissioner or the third party inspection agency, or both. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-13)*

### 675 IAC 15-1.2-14 Compliance with rules

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12; IC 22-15

Sec. 14. The issuance of a design release does not relieve the manufacturer from compliance with all applicable rules of the commission even if items contrary to the rules of commission are shown in plans and specifications that have been filed with the office of the state building commissioner. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-14)*

### 675 IAC 15-1.2-15 Quality control program

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-3-4  
Affected: IC 22-12; IC 22-15

Sec. 15. (a) The manufacturer shall develop and implement a quality control program.

(b) As part of the quality control program, a quality control manual is required for each manufacturing facility producing industrialized building systems or mobile structures under a design release. The manual shall outline the manufacturer's program for quality control and compliance assurance within each manufacturing facility, including, but not limited to, the following:

- (1) A location map for the manufacturing facility.
- (2) A general facility layout diagram indicating the various stations or areas where industrialized buildings or mobile structures are to be produced as well as materials storage areas and office or administration areas.
- (3) A general description of the in-plant procedures of quality control, including who is performing the quality control and how routine quality control is performed.
- (4) A general description of what corrective actions are to be taken and who is responsible for the implementation of such corrections.
- (5) A general description of testing procedures and equipment used to perform test in areas, such as plumbing and electrical, to assure compliance with the released construction documents and the applicable rules of the commission.
- (6) A sample data plate as described in section 16 of this rule.
- (7) A statement certifying that an Indiana seal of acceptance issued by the office of the state building commissioner will not be attached to an industrialized building system or mobile structure that does not conform to the applicable rules of the commission.

(c) The quality control manual shall be submitted for review and release in accordance with section 3 of this rule.

(d) Any revisions to the quality control manual shall be submitted for review and release in accordance with section 11 of this rule.

(e) The manufacturer shall implement the released quality control program. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-15*)

**675 IAC 15-1.2-16 Manufacturer's data plate**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 16. (a) The manufacturer's data plate shall be affixed on each completed industrialized building system or mobile structure in a permanent manner.

(b) The data plate shall be at least four (4) inches by six (6) inches and contain contrasting lettering.

(c) The data plate shall include the following:

- (1) The manufacturer's name and complete address and the complete address of the manufacturing point of

origin, if different.

- (2) The serial number and model number.
- (3) The date of manufacture.
- (4) Electrical system, as follows:
  - (A) Size of main service panel.
  - (B) Phase.
  - (C) Voltage.
  - (D) Number of circuits.
- (5) Capacities and fuel used, if applicable, for the following:
  - (A) The water heater.
  - (B) The furnace.
  - (C) The air conditioner.
- (6) Testing pressure for the following:
  - (A) Potable water.
  - (B) Drainage, waste, and vent (DWV).
- (7) Design load requirement in pound per square foot (lbs./sq. ft.) as applicable for the following:
  - (A) The roof.
  - (B) The floor.
  - (C) Wind.
  - (D) Seismic.
- (8) Titles of building codes used for design and construction.
- (9) Page number or other identification where the installation instructions reference the connection of two (2) or more units.
- (10) Energy conservation and accessibility, if applicable.
- (11) Inspection authority identified.

(d) No additional information shall be on the data plate. If additional information is needed, it may be provided on a separate attachment. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-16*)

**675 IAC 15-1.2-17 Responsibility; manufacturer**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 17. (a) A manufacturer may choose to use the services of a third party inspection agency to perform in-plant inspection and certify industrialized building systems or mobile structures instead of the office of the state building commissioner.

(b) If a manufacturer chooses to use the services of a third party inspection agency, the following information shall be submitted to the office of the state building commissioner within ten (10) working days of making the selection:

- (1) A termination letter, indicating termination date.
- (2) A list of all system plans affected.
- (3) The serial number of the last unit inspected.
- (4) Manufacturing facilities, if more than one (1) facility involved.

(c) If a manufacturer wishes to change from their current

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third party inspection agency to another third party inspection agency, or to the services of the office of the state building commissioner, the following information shall be submitted to the office of the state building commissioner within ten (10) working days of making the selection:

- (1) A termination letter, indicating termination date.
- (2) The name of the third party inspection agency hired and the effective date.
- (3) A list of all system plans affected.
- (4) A list of all seals of acceptances that will be transferred.
- (4) The serial number of the last unit inspected.
- (5) Manufacturing facilities, if more than one (1) facility involved.

(d) When a manufacturer chooses to use the services of the third party inspection agency, the third party inspection agency as well as the manufacturer shall be subject to periodic unannounced monitoring by the office of the state building commissioner. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.2-17*)

SECTION 3. 675 IAC 15-1.3 IS ADDED TO READ AS FOLLOWS:

### Rule 1.3. In-Plant Inspection Enforcement and Indiana Seal of Acceptance Affixed for Industrialized Building Systems and Mobile Structures

#### 675 IAC 15-1.3-1 Purpose

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15; IC 25-4; IC 25-31

Sec. 1. The purpose of 675 IAC 15-1.1, 675 IAC 15-1.2, this rule, and 675 IAC 15-1.4 through 675 IAC 15-1.7 is to establish administrative procedures and general provisions for in-plant inspections and affixing the Indiana certification seal of acceptance for industrialized building systems and mobile structures. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-1*)

#### 675 IAC 15-1.3-2 Scope

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15; IC 25-4; IC 25-31

Sec. 2. The office of the state building commissioner shall administer and enforce the rules of the commission for the design and construction of all industrialized building systems and mobile structures. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-2*)

#### 675 IAC 15-1.3-3 Inspections; required

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 3. An in-plant inspection shall be performed to determine that the industrialized building system or mobile structure was constructed in compliance with the rules of

the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-3*)

#### 675 IC 15-1.3-4 Inspections; procedure

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) In-plant inspections on an industrialized building system or mobile structure may be preformed by the office of the state building commissioner or by an authorized third party inspection agency as set out in 675 IAC 15-1.5.

(b) Inspection frequency shall be based upon the implementation of the manufacturer's quality control program.

(c) The inspector shall perform an inspection on at least one (1) portion of each unit for sale or use in Indiana in order for such unit to qualify for a seal of acceptance.

(d) The office of the state building commissioner or an authorized third party inspection agency may inspect a phase of construction of every industrialized building system or mobile structure to verify the quality control program of the manufacturer.

(e) Construction materials and equipment in stock, which are used in the production of an industrialized building system or mobile structure, may be inspected periodically. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-4*)

#### 675 IAC 15-1.3-5 In-plant inspection; travel

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12-7-7; IC 22-13; IC 22-15

Sec. 5. (a) Representatives of the office of the state building commissioner may travel for any purpose relative to enforcement of 675 IAC 15-1.1, 675 IAC 15-1.2, this rule, and 675 IAC 15-1.4 through 675 IAC 15-1.7.

(b) Manufacturers shall reimburse the office of the state building commissioner for actual expenses incurred in accordance with 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-5*)

#### 675 IAC 15-1.3-6 Seal of acceptance; required

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. (a) No industrialized building system may be used within the state of Indiana without a seal of acceptance being affixed.

(b) No mobile structure shall be offered for sale or used within the state of Indiana without a seal of acceptance being affixed. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-6*)

**675 IAC 15-1.3-7 Seal of acceptance**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 7. (a) Upon application, on a form provided by the office of the state building commissioner, the seal of acceptance will be available for purchase by the manufacturer.

(b) The seal of acceptance shall remain the property of the state of Indiana, office of the state building commissioner.

(c) The seal of acceptance shall be forwarded to the authorized representative of the office of the state building commissioner or the authorized third party inspection agency who shall retain control and responsibility for each seal of acceptance. The seal of acceptance shall be maintained in a secured location. Access to the seal of acceptance shall be limited to the authorized representative of the office of the state building commissioner or the authorized third party inspector. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-7)*

**675 IAC 15-1.3-8 Seal of acceptance; reporting use**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 8. (a) The manufacturer shall certify in an affidavit that a seal of acceptance purchased from the office of the state building commission was not affixed to an industrialized building system or mobile structure that did not comply with the rules of the commission.

(b) The manufacturer shall submit a monthly seal of acceptance report for the previous month. This report is required to be submitted even if the manufacturer did not apply any seals in the previous month. This report shall be submitted to the office of the state building commissioner on forms provided by the office of the state building commissioner.

(c) The manufacturer's monthly report shall be filed with the office of the state building commissioner no later than the tenth day of the following month.

(d) The manufacturer shall maintain a copy of the monthly reports for a minimum of 5 years. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-8)*

**675 IAC 15-1.3-9 Seal of acceptance; affixed**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 9. (a) The industrialized building system or mobile structure shall not leave the manufacturing facility before the seal of acceptance being affixed to each completed and released unit. The seal of acceptance shall be affixed to the

electrical service panel door. In units without an electrical service panel, the seal of acceptance shall be affixed to the location indicated in the system plan.

(b) An industrialized building system or mobile structure bearing the seal of acceptance shall be conclusively deemed to comply with the requirements of all ordinances and regulations of any local unit of government which are applicable to an industrialized building system or mobile structure. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-9)*

**675 IAC 15-1.3-10 Seal of acceptance; manufacturing ceasing production**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 10. A manufacturer that discontinues the manufacture of industrialized building systems or mobile structures shall return any unused seals of acceptance to the office of the state building commissioner. Unused seals of acceptance shall be returned immediately upon the ceasing of manufacturing. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-10)*

**675 IAC 15-1.3-11 Seal of acceptance; damaged or missing**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 11. The office of the state building commissioner may replace a seal of acceptance if it becomes mutilated or damaged upon presentation of the following:

- (1) The damaged seal.
- (2) A written explanation as to how the seal of acceptance was mutilated or damaged.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-11)*

**675 IAC 15-1.3-12 Seal of acceptance; unaccounted**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 12. (a) Seals of acceptance unaccounted for are not replaceable.

(b) A written explanation of the loss shall be forwarded by the manufacturer of the industrialized building system or mobile structure to the office of the state building commissioner.

(c) For industrialized building systems and mobile structure where the seal of acceptance has been lost, refer to section 11 of this rule. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.3-12)*

SECTION 4. 675 IAC 15-1.4 IS ADDED TO READ AS FOLLOWS:

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### Rule 1.4. Certification of Industrialized Building Systems and Mobile Structures without Indiana Certification

#### 675 IAC 15-1.4-1 Applicability

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15-4

Sec. 1. 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7 applies to industrialized building systems and mobile structures that are not certified in accordance with IC 22-15-4. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-1*)

#### 675 IAC 15-1.4-2 Compliance with commission rules

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 2. Industrialized building systems and mobile structures that are to be certified in accordance with 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7 shall comply with or be made to comply with the current rules of the fire prevention and building safety commission for new construction before the Indiana seal of acceptance being affixed. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-2*)

#### 675 IAC 15-1.4-3 Design release for certification; requirement

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 3. It shall be unlawful for any person to certify an industrialized building system or mobile structure or cause the same to be done without compliance with 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-3*)

#### 675 IAC 15-1.4-4 Application

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) An application shall be filed with the office of the state building commissioner for any existing industrialized building system or existing mobile structure seeking to be certified in Indiana.

(b) The industrialized building system or mobile structure shall be returned to a manufacturing facility, and the manufacturer shall submit:

- (1) proof to the office that the office has issued a construction design release in accordance with 675 IAC 15-1.2-9 for the industrialized building system or mobile structure to be certified; or
- (2) an application for a construction design release in accordance with 675 IAC 15-1.2-9 for the industrialized building system or mobile structure to be certified.

(c) The manufacturer shall pay the fees as set out in 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-4*)

#### 675 IAC 15-1.4-5 Issuance of construction design release

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 5. If a construction design release has been properly requested under 675 IAC 15-1.2-9, the provisions of that section shall apply. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-5*)

#### 675 IAC 15-1.4-6 In-plant inspection; required

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. (a) An in-plant inspection shall be preformed at the manufacturing facility. Personnel from the office of the state building commissioners office shall perform the in-plant inspection.

(b) The industrialized building system or mobile structure shall be partially dismantled to readily allow inspection of the following:

- (1) Exterior wall construction.
- (2) Interior load-bearing wall construction.
- (3) Roof/ceiling construction.
- (4) Floor construction.
- (5) Electrical service panel wall area.
- (6) Plumbing, including water distribution, draining, waste, and venting.

(c) The manufacturer shall pay the fees as required by 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-6*)

#### 675 IAC 15-1.4-7 Quality control program

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 7. (a) The manufacturer shall develop and implement a quality control program for industrialized building systems or mobile structures that are to be certified by 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7.

(b) As part of the quality control program, a quality control manual shall be required for each manufacturing facility that will participate in the certification program of uncertified industrialized building systems or mobile structures. The manual shall outline the manufacturer's program for quality control and compliance assurance within each manufacturing facility that participates, including, but not limited to, the following:

- (1) A location map for the manufacturing facility.
- (2) A general facility layout diagram indicating where the

dismantling will be performed.

(3) A general description of the various stations or areas where quality control will be performed.

(4) A general description of the in-plant procedures of quality control, including who is performing the quality control and how routine quality control is performed.

(5) A general description of testing and equipment used to perform tests in areas, such as plumbing and electrical, to assure compliance with the released construction documents and the applicable rules of the commission.

(6) A sample data plate as described in section 7 of this rule.

(7) A statement certifying that an Indiana seal of acceptance issued by the office of the state building commissioner will not be attached to an industrialized building system or mobile structure that does not comply with the requirements of 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7 or the applicable rules of the commission.

(c) The quality control manual shall be submitted for review and released in accordance with 675 IAC 15-1.2-3.

(d) Any revisions to the quality control manual shall be submitted for review and released in accordance with 675 IAC 15-1.2-11.

(e) The manufacturer shall implement the released quality control program. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-7)*

**675 IAC 15-1.4-8 Data plate**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 8. (a) The manufacturer's data plate shall be affixed on each industrialized building system or mobile structure that is certified by 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7.

(b) The manufacturer's data plate shall state what areas of reconstruction the manufacturer performed.

(c) The data plate shall be at least four (4) inches by six (6) inches and contain contrasting lettering. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.4-8)*

**675 IAC 15-1.4-9 Seal of acceptance**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 9. The provisions of 675 IAC 15-1.3 shall apply to the seals of acceptance that are to be affixed to industrialized building systems and mobile structures that are certified under 675 IAC 15-1.1 through 675 IAC 15-1.3, this rule, and 675 IAC 15-1.5 through 675 IAC 15-1.7. *(Fire Preven-*

*tion and Building Safety Commission; 675 IAC 15-1.4-9)*

SECTION 5. 675 IAC 15-1.5 IS ADDED TO READ AS FOLLOWS:

**Rule 1.5. Third Party Inspection Agency Authorization**

**675 IAC 15-1.5-1 Purpose; applicability**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 1. The purpose of 675 IAC 15-1.1 through 675 IAC 15-1.4, this rule, and 675 IAC 15-1.6 through 675 IAC 15-1.7 is to establish administrative procedures and general provisions for third party inspection agency authorization. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-1)*

**675 IAC 15-1.5-2 Application process**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 2. (a) A person that wishes to become a third party inspection agency shall submit an application to the office of the state building commissioner.

(b) An application shall contain the following:

- (1) The company name.
- (2) The complete mailing address, including city, state, and zip code.
- (3) The physical address if mailing address is different.
- (4) The telephone number.
- (5) The facsimile number.
- (6) An electronic mail (e-mail) address.
- (7) An organizational chart of showing the names of managerial and technical personnel responsible for in-plant inspections, including any person who is retained by contractual agreement.
- (8) A document certifying that the third party inspection agency will comply with all applicable rules of the commission and the Indiana Code.
- (9) A resume for each person named on the organizational chart, including contract employees. The resume shall include the following:
  - (A) The name of the person.
  - (B) Academic and professional qualifications.
  - (C) Experience in related areas and specific duties with the company.
  - (D) Other states where the person is registered.
  - (E) Certifications obtained and expiration dates.
  - (F) Any other pertinent information.
- (10) A list of manufacturers and the number of years experience the third party inspection agency has in performing inspections.
- (11) For each manufacturer, a list of the third party inspection agency's current status.

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(c) The person shall pay the fees in accordance with 675 IAC 15-1.6. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-2*)

### 675 IAC 15-1.5-3 Qualifications

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3  
Affected: IC 22-12; IC 22-13; IC 22-15; IC 25-4; IC 25-31

Sec. 3. (a) At least one (1) of the officers of the third party inspection agencies must be a design professional in accordance with IC 25-4 or IC 25-31.

(b) The manager or chief executive officer shall have a minimum of five (5) years experience in building code enforcement or compliance control of building systems.

(c) A third party inspection agency must have a training program in place to assure that all employees and contractors are adequately trained with respect to their specific job as it relates to the rules adopted by the fire prevention and building safety commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-3*)

### 675 IAC 15-1.5-4 Conflict of interest

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) The third party inspection agency shall include an affidavit that the third party inspection agency is independent in that it does not have any actual or potential conflict of interest and is not affiliated with or influenced or controlled by any of the following:

- (1) A manufacturer of industrialized building systems or mobile structures.
- (2) A manufacturer, vendor, or supplier of products or equipment used in the production of industrialized building systems or mobile structures.

(b) A third party agency shall be deemed to be free of conflicting affiliation, influences, and control if it demonstrates that:

- (1) it has no managerial affiliation with any manufacturers of industrialized building systems or mobile structures;
- (2) it has no managerial affiliation with producers, suppliers, or vendors of products or equipment used in the construction of industrialized building systems or mobile structures and is not engaged in the sale or promotion of any such product or material;
- (3) the result of the third party inspection agency's work does not accrue a financial benefit to the third party inspection agency by way of stock ownership of any producers, suppliers, or vendors of the products involved; and
- (4) the third party inspection agency's directors or other management personnel, inspectors, or employees shall receive no stock option or other financial benefit from

any manufacturer of industrialized building systems or mobile structures or producer, supplier, or vendor of products or equipment used in the construction of an industrialized building system or mobile structure.

(*Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-4*)

### 675 IAC 15-1.5-5 Third party inspection agency; approval process

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3  
Affected: IC 4-21.5-3-4; IC 4-21.5-3-7; IC 22-12; IC 22-13; IC 22-15

Sec. 5. (a) The fire prevention and building safety commission grants approval as an authorized third party inspection agency for a period of one (1) calendar year.

(b) An authorized representative from the third party inspection agency may be required to attend the fire prevention and safety commission meeting during the approval process.

(c) A written order regarding the decision of the commission shall be sent to the third party inspection agency.

(d) Upon authorization by the fire prevention and building safety commission, the third party inspection agency is an authorized representative of the office of the state building commissioner and acts on behalf of the office of the state building commissioner.

(e) The third party inspection agency shall assure that all industrialized building systems and mobile structures are certified in compliance with the rules of the commission.

(f) An order granting or denying the application shall be issued following the requirements of IC 4-21.5-3-4. If a petition for review is subsequently granted under IC 4-21.5-3-7, the order shall be deemed a preliminary determination.

(g) It shall be the responsibility of the third party inspection agency to keep all information on file with the office of the state building commissioner current. A change in information shall be reported in writing to the office of the state building commissioner within ten (10) working days of the change. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-5*)

### 675 IAC 15-1.5-6 Third party inspection agency; renewal of authorization

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2; IC 22-15-4-3  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. (a) An application for renewal for a third party inspection agency shall be filed with the office of the state building commissioner thirty (30) days before the expiration of authorization.

(b) A renewal application shall be filed in accordance with section 2 of this rule.

(c) If there are no changes to the original application submitted as set out in section 2 of this rule, the third party inspection agency shall be required to submit a letter requesting a renewal.

(d) Fees for a renewal shall be paid in accordance with 675 IAC 15-1.6.

(e) If the third party inspection agency fails to renew their authorization, the third party inspection agency may no longer perform in-plant inspections or certify industrialized building systems or mobile structures. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.5-6)*

SECTION 6. 675 IAC 15-1.6 IS ADDED TO READ AS FOLLOWS:

**Rule 1.6. Schedule of Fees for Industrialized Building Systems and Mobile Structures**

**675 IAC 15-1.6-1 General**

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 1. (a) Payment for fees is accepted by one of the following methods:

- (1) Cash, exact amount.
- (2) Check.
- (3) Money order.
- (4) Cashier's check.
- (5) Bank certified check.
- (6) Credit card.

(b) Checks shall be made payable to Department of Fire and Building Services Fund. Credit card payments will be processed in the same manner.

(c) The state building commissioner may authorize the refunding of any fee specified in 675 IAC 15-1.1 through 675 IAC 15-1.5, this rule, and 675 IAC 15-1.7 that was paid or collected in error.

(d) Incorrect fees that are received in the office of the state building commissioner may be returned. A statement stating the reason for the return of the fees shall be given.

(e) Travel fees and mileage will be charged on the following:

- (1) All out-of-state trips.
- (2) In-state travel for reinspections and audits.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-1)*

**675 IAC 15-1.6-2 Construction design release fees**

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 2. Fees for construction design release shall be as follows:

- (1) System plan review, including structural/typical system:
 

(A) filing fee	\$30
(B) residential, add-a-room, or duplex	\$320 <sup>1</sup>
(C) commercial	\$505 <sup>1,2</sup>
- (2) Addenda, including structural/typical system:
 

(A) filing fee	\$30
(B) residential, add-a-room, or duplex	\$85 <sup>1</sup>
(C) commercial	\$105 <sup>1,2</sup>

Notes:

<sup>1</sup>Includes only the original floor plan. A fifty dollar (\$50) fee is charged for each additional floor plan. Crawlspace or basement plans are considered a floor plan.

<sup>2</sup>Includes two (2) units as a completed structure. A fifty dollar (\$50) fee is charged for each additional module unit. *(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-2)*

**675 IAC 15-1.6-3 Penalty fees**

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 3. (a) In accordance with 675 IAC 15-1.2-3, it shall be unlawful for production of an industrialized building system or mobile structure to begin without first obtaining a construction design release.

(b) The following fees are applicable if production is started before the issuance of a design release:

- (1) System plan review, including structural/typical systems:
 

(A) filing fee	\$60
(B) residential, add-a-room, or duplex	\$640 <sup>3</sup>
(C) commercial	\$1,010 <sup>3,4</sup>
- (2) Addenda, including structural/typical systems:
 

(A) filing fee	\$60
(B) residential, add-a-room, or duplex	\$170 <sup>3</sup>
(C) commercial	\$210 <sup>3,4</sup>

Notes:

<sup>3</sup>Includes only the original floor plan. A one hundred dollar (\$100) fee is charged for each additional floor plan. Crawlspace or basement plans are considered a floor plan.

<sup>4</sup>Includes two (2) units as a completed structure. A one hundred dollar (\$100) fee is charged for each additional module unit.

*(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-3)*

**675 IAC 15-1.6-4 Prototype fees**

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
 Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 4. (a) Obtaining prototype status does not relieve the

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manufacturer from compliance with 675 IAC 15-1.2-3.

(b) The prototype filing fees shall be as follows:

- |  |       |
|--|-------|
| (1) Completed width of structure up to and including 12 feet | \$70  |
| (2) Completed width of structure up to and including 24 feet | \$85  |
| (3) Completed width of structure up to and including 36 feet | \$105 |
| (4) Completed width of structure exceeding 36 feet           | \$130 |

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-4)

### 675 IAC 15-1.6-5 Inspection fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 5. Inspection fees shall be as follows:

- |  |                          |
|--|--------------------------|
| (1) In-state inspection for certification under 675 IAC 15-1.5 | \$65 per hour/per person |
| (2) In-state reinspection                                      | \$65 per hour/per person |
| (3) Out-of-state inspection or reinspection                    | \$65 per hour/per person |

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-5)

### 675 IAC 15-1.6-6 Seal of acceptance fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 6. The Indiana seal of acceptance fee shall be sixty-five dollars (\$65) per label. (Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-6)

### 675 IAC 15-1.6-7 Third party inspection agency authorization fees

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 7. Third party inspection authorization fees shall be as follows:

- |   |       |
|---|-------|
| (1) Original application for Indiana third party inspection authorization | \$830 |
| (2) Yearly third party inspection authorization renewal                   | \$550 |

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-7)

### 675 IAC 15-1.6-8 Third party inspection agency audit fees

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 8. Audit fees shall be as follows:

- |                        |                          |
|------------------------|--------------------------|
| (1) In-state audit     | \$65 per hour/per person |
| (2) Out-of-state audit | \$65 per hour/per person |

(Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-8)

### 675 IAC 15-1.6-9 Mileage fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 9. Mileage charge for in-state and out-of-state travel will be charged at the current rate established by policy by the department of administration, travel division. Mileage is based on roundtrip travel from the employee's base station. (Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-9)

### 675 IAC 15-1.6-10 Travel fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 10. Lodging expense and meals (per diem) for in-state and out-of-state travel will be charged at the current rate established by policy by the department of administration, travel division. (Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-10)

### 675 IAC 15-1.6-11 Returned check fee

Authority: IC 22-12-6-1; IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 22-12; IC 22-13; IC 22-15

Sec. 11. This section is applicable to all fees prescribed in 675 IAC 15-1.1 through 675 IAC 15-1.5, this rule, and 675 IAC 15-1.7. There will be an additional surcharge of thirty-five dollars (\$35) for any returned check. (Fire Prevention and Building Safety Commission; 675 IAC 15-1.6-11)

SECTION 7. 675 IAC 15-1.7 IS ADDED TO READ AS FOLLOWS:

### Rule 1.7. Sanctions Regarding Design Release, Seals of Acceptance and Third Party Inspection Agencies

#### 675 IAC 15-1.7-1 Purpose

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-13; IC 22-15

Sec. 1. The purpose of 675 IAC 15-1.1 through 675 IAC 15-1.6 and this rule is to establish sanctions regarding design releases, seals of acceptance, and third party inspection agencies. (Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-1)

#### 675 IAC 15-1.7-2 Sanctions; design release

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-13; IC 22-15

Sec. 2. (a) Under IC 22-12, the office of the state building commissioner may impose a sanction concerning any type of design release previously issued. Available sanctions are the following:

- (1) Revocation.
- (2) Suspension.

- (3) Censure.
- (4) Reprimand.
- (5) Probation.

(b) The office of the state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exists:

- (1) The office of the state building commissioner determines that the design release was obtained by fraudulent or misleading statements or information including information on plans and specifications.
- (2) Circumstances have materially changed since a design release was granted so that if the sanction is not imposed, public health, safety, or welfare will be adversely affected.
- (3) The construction done subsequent to the issuance of a design release is contrary to the rules of the commission.
- (4) A check paying an applicable fee is returned for any reason.
- (5) The design release was issued in error on the basis of incorrect information or in violation of a rule of the commission or a building law.

(c) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative procedure shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-2*)

**675 IAC 15-1.7-3 Sanctions; seal of acceptance**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-12-7; IC 22-13; IC 22-15

Sec. 3. (a) Under IC 22-12-7, the office of the state building commissioner may impose a sanction concerning seal of acceptance previously issued. Available sanctions are the following:

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand.
- (5) Probation.

(b) The office of the state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exists:

- (1) The office of the state building commissioner determines that the certification label was obtained by fraudulent or misleading statements or information including information on the design release or plans and specifications.
- (2) The construction did not comply with the rules of the commission.
- (3) The certification label was affixed to an industrialized building system or mobile structure for which a design

release was not obtained.

- (4) A check paying an applicable fee is returned for any reason.

(c) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-3*)

**675 IAC 15-1.7-4 Sanctions; third party inspection agency**

Authority: IC 22-13-2-2; IC 22-13-2-13; IC 22-13-4-2  
Affected: IC 4-21.5-3-6; IC 4-21.5-3-7; IC 4-21.5-4; IC 22-12-6-7; IC 22-12-7; IC 22-13; IC 22-15

Sec. 4. (a) Under IC 22-12-7, the office of the state building commissioner may impose a sanction concerning the authorization of any third party inspection agency that it has previously granted. Available sanctions are the following:

- (1) Revocation.
- (2) Suspension.
- (3) Censure.
- (4) Reprimand.
- (5) Probation.

(b) The office of the state building commissioner may investigate any authorized third party inspection agency in accordance with 675 IAC 15-1.1 through 675 IAC 15-1.6 and this rule.

(c) The office of the state building commissioner may impose an appropriate sanction whenever one (1) or more of the following exists:

- (1) The office of the state building commissioner determines that the authorization was obtained by the applicant by fraudulent or misleading statements or information.
- (2) That circumstances have materially changed since an authorization was issued so that, if the sanction is not imposed, public health, safety, or welfare will be adversely affected.
- (3) Does not comply with the rules of the commission.
- (4) A check paying an applicable fee is returned for any reason.

(d) The order imposing a sanction shall be issued under the requirements of IC 4-21.5-3-6. If a petition for review is subsequently granted under IC 4-21.5-3-7, the resulting administrative proceeding shall be conducted by the commission. (*Fire Prevention and Building Safety Commission; 675 IAC 15-1.7-4*)

SECTION 8. THE FOLLOWING ARE REPEALED: 675 IAC 15-1-1; 675 IAC 15-1-2; 675 IAC 15-1-3; 675 IAC 15-1-5;

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675 IAC 15-1-6; 675 IAC 15-1-7; 675 IAC 15-1-8.1; 675 IAC 15-1-10; 675 IAC 15-1-11; 675 IAC 15-1-12; 675 IAC 15-1-13; 675 IAC 15-1-14; 675 IAC 15-1-16; 675 IAC 15-1-17; 675 IAC 15-1-19; 675 IAC 15-1-20; 675 IAC 15-1-21; 675 IAC 15-1-22.

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on February 14, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana; AND on April 5, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room B, Indianapolis, Indiana the Fire Prevention and Building Safety Commission will hold a public hearing on the proposed adoption of the Administrative Rules for Industrialized Building Systems and Mobile Structures. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W246 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Luther J. Taylor, Sr.  
Secretary  
Fire Prevention and Building Safety Commission

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## TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS

**Proposed Rule**  
LSA Document #04-156

### DIGEST

Amends 804 IAC 1.1-1-1 to revise the definition of valid certificate. Adds 804 IAC 1.1-8 to establish the continuing education requirements for registered architects and landscape architects. Effective 30 days after filing with the secretary of state.

### 804 IAC 1.1-1-1 804 IAC 1.1-8

SECTION 1. 804 IAC 1.1-1-1, AS AMENDED AT 27 IR 180, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

#### 804 IAC 1.1-1-1 Definitions and abbreviations

**Authority:** IC 25-4-1-3; IC 25-4-2  
**Affected:** IC 25-4-1-8

Sec. 1. (a) ~~NCARB Appendix A, Circular of Information #1, Table of Equivalents for Education, Training, and Experience will be used by the board as a guide.~~ The following definitions apply throughout this rule:

(1) "Accredited degree program" means a program leading to a professional degree which is accredited by the NAAB or the

LAAB or certified equivalent by NCARB or CLARB guidelines.

(2) "Act" means IC 25-4 creating a board to regulate the practice of architecture and the practice of landscape architecture in Indiana.

(3) "Applicant" means an individual whose application has been received by the board for registration as an architect or a landscape architect.

(4) "Approved department, school, or college of architecture or landscape architecture" means a department, school, or college with an architecture or landscape architecture professional degree program recognized by the board at the time of an applicant's graduation.

(5) "Architect" means a person registered under IC 25-4-1 and this article and thereby entitled to use the title architect and engage in the practice of architecture in Indiana.

(6) "A.R.E." means the architect registration examination prepared by NCARB.

(7) "Board" means the board of registration for architects and landscape architects.

(8) "CLARB" means the Council of Landscape Architectural Registration Boards.

(9) "Council record-CLARB" means a detailed, authenticated record of an applicant's activities and accomplishments, factual data of education, training, practice, character, examination, and registration.

(10) "Council record-NCARB" means a detailed, authenticated record of an applicant's education, training, experience, examination, registration, and character. Council record prepared by NCARB.

(11) "Degree in a design discipline", as used in IC 25-4-1-8, means a preprofessional bachelor degree with a major in architecture such as would admit the applicant to an accredited professional master of architecture degree program of four (4) semesters or shorter.

(12) "EESA" means a program approved by NCARB known as Education Evaluation Services for Architects.

(13) "IDP" means Intern Development Program.

(14) "LAAB" means the Landscape Architectural Accreditation Board.

(15) "LARE" means the landscape architect registration examination prepared by CLARB.

(16) "Landscape architect" means a person registered under IC 25-4-2 and this article and thereby entitled to use the title landscape architect and engage in the practice of landscape architecture in Indiana.

(17) "NAAB" means the National Architectural Accrediting Board.

(18) "NCARB" means the National Council of Architectural Registration Boards.

(19) "Professional examination" means the former architects registration examination prepared by NCARB.

(20) "Qualifying test" means the examination formerly prepared by NCARB to qualify applicants without an accredited architectural degree for admission to the profes-

sional examination.

(21) "Registrant" means a registered architect or landscape architect, unless the context clearly indicates otherwise, whose qualifications have been examined by the board and a certificate of registration granted.

(22) "Valid certificate - **architect**" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice architecture in Indiana, subject to IC 25-4-1. ~~A certificate shall have the effect of a license to use the title landscape architect in Indiana subject to IC 25-4-1.~~

(23) "Valid certificate - **landscape architect**" means a certificate of registration held by an individual that is current and in good standing. A certificate shall have the effect of a license to practice landscape architecture in Indiana subject to IC 25-4-2.

~~(23)~~ (24) "Week" means a thirty-five (35) hour work week. (No more than thirty-five (35) hours shall be counted toward requirements in any given calendar week.)

~~(24)~~ (25) "Year" means fifty (50) calendar weeks not including vacation.

(b) When the masculine pronoun is used, it shall include the feminine. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-1-1; filed Mar 25, 1980, 9:15 a.m.: 3 IR 949; filed Jan 8, 1982, 10:10 a.m.: 5 IR 387; filed Apr 26, 1983, 9:31 a.m.: 6 IR 1075; filed Nov 14, 1985, 8:39 a.m.: 9 IR 752; filed Oct 28, 1998, 3:35 p.m.: 22 IR 756; readopted filed May 10, 2001, 2:40 p.m.: 24 IR 3235; filed Jan 24, 2002, 12:05 p.m.: 25 IR 1903; filed Sep 5, 2003, 8:25 a.m.: 27 IR 180*)

SECTION 2. 804 IAC 1.1-8 IS ADDED TO READ AS FOLLOWS:

**Rule 8. Continuing Education**

**804 IAC 1.1-8-1 Continuing education**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

**Sec. 1. This rule establishes the continuing education requirements for registered architects and landscape architects.** (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-1*)

**804 IAC 1.1-8-2 Definitions**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

**Sec. 2. (a) The definitions in this section apply throughout this rule.**

(b) "Contact hour" means one (1) sixty (60) minute clock hour of an educational activity with no less than fifty (50) minutes of instructional content within the hour.

(c) "Continuing education unit" or "CEU" means the

number of continuing education credits, measured in contact hours. The provider of the material or activity may determine the number of CEUs or credits. For the entities listed under subsection (e), the board will accept the hours established by each organization. Where the number of CEUs are established by others, the board may require additional evidence supporting the CEUs claimed.

(d) "Health, safety, and welfare" means the planning and designing of buildings and structures and the spaces within and surrounding the buildings and structures that:

- (1) minimize the risk of injury to persons or property and comply with applicable building and safety codes;
- (2) are durable, environmentally friendly, cost effective, and conserve resources;
- (3) are aesthetically appealing;
- (4) function properly in all relevant respects; and
- (5) enhance the public's overall sense of well-being, harmony, and community and integrate effectively with the surrounding environment.

(*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-2*)

**804 IAC 1.1-8-3 Continuing education requirements**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4

**Sec. 3. (a) Registered architects and landscape architects must complete during each two (2) year licensure period twenty-four (24) hours of continuing education in order to qualify for renewal of an active license.**

(b) Continuing education is first required for the December 1, 2007, renewal.

(c) No credit will be given for courses completed before June 1, 2005. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-3*)

**804 IAC 1.1-8-4 First-time registrants exempted**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

**Sec. 4. First-time registrants are not required to comply with these continuing education requirements at the first renewal.** (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-4*)

**804 IAC 1.1-8-5 Waiver of continuing education requirements**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-1-12; IC 25-4-1; IC 25-4-2

**Sec. 5. (a) An applicant for license renewal who was unable to fulfill the continuing education requirements in section 3 of this rule may be granted a waiver of the continuing education requirement by the board.**

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(b) An applicant requesting a waiver of the continuing education requirements in section 3 of this rule must certify under penalty of perjury that the applicant was unable to fulfill the continuing education due to hardship resulting from any of the following:

- (1) Service in the armed forces of the United States under IC 25-1-12.
- (2) An incapacitating illness or injury.
- (3) Other circumstances determined by the board or agency.

(c) An individual who applies for a waiver of the continuing education requirements must request the waiver in writing.

(d) The board may seek verification of the applicant's request for a waiver of continuing education requirements under this rule. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-5*)

### 804 IAC 1.1-8-6 Continuing education from another jurisdiction

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

Sec. 6. The board may accept for credit toward the Indiana architect and landscape architect continuing education requirement, courses that are accepted for credit toward the continuing education requirements for architects and landscape architects in another state. (*Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-6*)

### 804 IAC 1.1-8-7 Mandatory and elective topics

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

Sec. 7. (a) Credit may be granted for education offerings that cover architecture and landscape architecture and related technical and professional topics and contribute directly to the improvement of the professional knowledge and competence to practice architecture and landscape architecture.

(b) Continuing education activities or courses may be provided by any of the following organizations:

- (1) Accredited colleges, universities, or other postsecondary educational institutions.
- (2) American Institute of Architects.
- (3) American Society of Landscape Architects.
- (4) American Planning Association.
- (5) Board of Registration for Architects and Landscape Architects.
- (6) Council of Landscape Architectural Registration Boards.
- (7) Construction Specifications Institute.
- (8) National Council of Architectural Registration Boards.

(9) Other related technical or professional societies, organizations, or institutions.

The board shall not preapprove continuing education activities or courses.

(c) At least sixteen (16) hours of the required continuing education requirements for architects and landscape architects must pertain to technical and professional topics related to the protection of the public health, safety, and welfare. These topics include, but are not limited to, the following:

- (1) Codes, statutes, and administrative regulations governing the practice of architecture or landscape architecture.
- (2) Environmental and ecological resources.
- (3) Professional ethics.
- (4) Indiana licensing statutes and rules.
- (5) Legal aspects of contracts, documents, insurance, bonds, and project administration.
- (6) Construction documents and services.
- (7) Materials and methods.
- (8) Mechanical, plumbing, electrical, and life safety.
- (9) Structural technology.
- (10) Energy efficiency.
- (11) Project administration.
- (12) Accessibility issues.
- (13) Security and safety issues.
- (14) New technical and professional skills.

(d) The following types of activities may qualify to fulfill the requirements for a minimum of sixteen (16) contact hours to be acquired in structured educational activities (all twenty-four (24) hours may be acquired in such activities):

- (1) Contact hours in attendance at short courses or seminars dealing with architectural or landscape architectural subjects and sponsored by college or universities.
- (2) Contact hours in attendance at presentations on architectural or landscape architectural subjects that are held in conjunction with meetings, conferences, or conventions of architect or landscape architect professional organizations recognized by the board to the extent that contact hours are credited only to that portion of the meeting, conference, or convention that comprises the educational program.
- (3) Contact hours in attendance at short courses or seminars relating to professional practice or new technology and offered by colleges, universities, professional organizations, or system suppliers.
- (4) Teaching or instructing an architectural or landscape architectural course, seminar, lecture, presentation, or workshop shall constitute three (3) contact hours for each hour spent in the actual presentation. Teaching credit shall be valid for the initial presentation only. A maximum of nine (9) hours may be accumulated over a two (2) year licensure period.

(5) Contact hours spent in architectural or landscape architectural research that is published or is formally presented to the profession or public. A maximum of nine (9) total contact hours may be accumulated over the two (2) year licensure period.

(6) Successfully completing structured architectural or landscape architectural self-study courses, presented by correspondence, Internet, television, video, or audio, ending with an examination or other verification process. The contact hours acquired for this activity shall be established by the program sponsor.

(7) College or university credit courses dealing with architectural or landscape architectural subjects. Each academic semester hour shall equal fifteen (15) contact hours. Each academic quarterly hour shall equal ten (10) contact hours.

(8) Contact hours spent in educational tours of architecturally or landscape architecturally significant projects, where the tour is sponsored by a college, university, professional organization, or system supplier. A maximum of eight (8) total contact hours may be accumulated over the two (2) year licensure period.

(9) Contact hours spent in professional services to the public that draw upon the licensee's professional architectural or landscape architectural expertise on boards and commissions, such as, serving on any of the following:

- (A) Planning commissions.
- (B) Building code advisory boards.
- (C) Urban renewal boards.
- (D) Code study committees.
- (E) Regulatory boards.
- (F) Professional accreditation teams.

A maximum of eight (8) total contact hours may be accumulated over the two (2) year licensure period.

(e) The following types of activities in individually planned educational activities that are self-directed may qualify for the maximum of eight (8) contact hours over the two (2) year licensure period:

(1) Contact hours for serving as an architectural mentor or supervisor for the Intern Development Program (IDP) required to satisfy that diversified professional training requirements under 804 IAC 1.1-7. Such service to an intern or interns shall be consistent with the responsibilities set forth in the NCARB IDP Guidelines for an intern's mentor and supervisor, which is hereby incorporated by reference.

(2) Contact hours spent in planned activities, related to the practice of architecture or landscape architecture, which include the following:

- (A) Business and practice efficiency.
- (B) Business development.
- (C) Personal improvement.
- (D) New skills.

(3) Actively participating in a technical or professional society or organization shall be the equivalent to two (2) contact hours. An individual shall serve as an officer or actively participate in a committee of the organization to receive credit for this activity. Contact hours shall be limited to two (2) per organization and shall not be acquired until the completion of each year of service.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-7)*

**804 IAC 1.1-8-8 Retention of certificates of completion**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

**Sec. 8. Registered architects and landscape architects must retain certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied.**

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-8)*

**804 IAC 1.1-8-9 No carry over to next license period**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

**Sec. 9. Hours for continuing education units earned in one (1) license period may not be used in a subsequent license period.** *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-9)*

**804 IAC 1.1-8-10 Inactive status**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

**Sec. 10. Registered architects or landscape architects may apply to the board to renew their licenses in an inactive status. No continuing education is required to renew inactive. An inactive registered architect or landscape architect may not practice architecture or landscape architecture while in an inactive status.** *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-10)*

**804 IAC 1.1-8-11 Reactivation of inactive, expired, or retired license**

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

**Sec. 11. (a) In order to reactivate an inactive, expired, or retired license, the registered architect or landscape architect must have obtained all twenty-four (24) hours of continuing education units, which would have been required had the license been active.**

**(b) In order to reactivate an inactive, expired, or retired license during a two (2) year licensure period, the registered architect or landscape architect must:**

- (1) apply to the board for reactivation on the application form supplied by the board; and**

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(2) submit evidence of completion of twenty-four (24) CEU hours within the two (2) year period immediately before the date the reactivation application is filed.

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-11)*

### 804 IAC 1.1-8-12 Continuing education required after reactivation

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-4-1; IC 25-4-2

Sec. 12. This section applies to all registered architects or landscape architects who reactivate an inactive, expired, or retired license by establishing the number of hours of continuing education required for the time period between reactivation and the following renewal date in order to qualify to renew active. Registered architects or landscape architects must complete the mandatory continuing education required in section 7 of this rule unless the requirement in the table in this section is zero (0). Additional hours of continuing education required in this table may be met by taking courses that meet the requirements of section 7 of this rule.

Date of Activation	Hours Required to Renew Active
January 1 – March 31 of first 12 months of license period	24
April 1- June 30 of first 12 months of license period	21
July 1 – September 30 of first 12 months of license period	18
October 1 – December 31 of first and second months of license period	15
January 1 – March 31 of second 12 months of license period	12
April 1 – June 30 of second 12 months of license period	9
July 1 – September 30 of second 12 months of license period	6
October 1 – December 31 of second 12 months of license period	0

*(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-12)*

### 804 IAC 1.1-8-13 Audits of continuing education compliance

Authority: IC 25-4-1-31; IC 25-4-2-13  
Affected: IC 25-1-11; IC 25-4-1-31; IC 25-4-2-13

Sec. 13. (a) The board shall conduct audits of registered architects under IC 25-4-1-31 and landscape architects under IC 25-4-2-13 for continuing education compliance. The board may audit continuing education providers. For purposes of this section, the board may designate a board member or staff member to act on behalf of or in the name of the board.

(b) If, as a result of an audit or other review, the board determines that hours of continuing education units a registered architect or landscape architect has claimed do not meet the continuing education requirements of this article, the board shall notify the registered architect or landscape architect of that determination.

(c) A registered architect or landscape architect, who has been notified under subsection (b), may, within thirty (30) days, submit information to the board giving all the substantive reasons in support of the registered architect's or landscape architect's position that an adequate number of hours of continuing education have been completed.

(d) A registered architect or landscape architect that submits false information shall be subject to sanctions provided for under IC 25-1-11.

(e) Registered architects or landscape architects that are found not to be in compliance shall be subject to discipline under IC 25-1-11. *(Board of Registration for Architects and Landscape Architects; 804 IAC 1.1-8-13)*

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on January 12, 2005 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the State Board of Registration for Architects and Landscape Architects will hold a public hearing on proposed rules to establish the continuing education requirements for registered architects and landscape architects and for continuing education providers. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gerald H. Quigley  
Executive Director  
Professional Licensing Agency

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## TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS

**Proposed Rule**  
LSA Document #04-254

DIGEST

Amends 820 IAC 4-3-1 to establish the education and examination requirements for an instructor license to allow an instructor licensed under IC 25-8-6, IC 25-8-6.1, or IC 25-8-6.2 to qualify for another instructor license without further instructor education or examination provided the licensed instructor

meets licensing and experience requirements and to revise the licensing requirements for an individual teaching manicuring in a cosmetology school. Effective 30 days after filing with the secretary of state.

**820 IAC 4-3-1**

SECTION 1. 820 IAC 4-3-1 IS AMENDED TO READ AS FOLLOWS:

**820 IAC 4-3-1 License**

**Authority:** IC 25-8-3-23

**Affected:** IC 25-8

Sec. 1. (a) All instructors in cosmetology schools must hold an instructor license issued by the board.

(b) In addition to complying with subsection (a), any individual teaching electrology in a cosmetology school must:

- (1) hold an electrologist license issued by the board; and
- (2) have practiced electrology in a cosmetology or electrology salon for at least one (1) year.

(c) In addition to complying with subsection (a), any individual teaching esthetics in a cosmetology school must:

- (1) hold an esthetician license issued by the board; and
- (2) have practiced esthetics in a cosmetology salon or an esthetician salon for at least one (1) year.

(d) Subsection (c)(2) shall not apply to individuals who teach esthetics in a cosmetology school before July 1, 1993.

(e) In addition to complying with subsection (a), any individual teaching manicuring in a cosmetology school must:

- (1) hold ~~either a manicurist license or~~ cosmetologist license issued by the board; and
- (2) have practiced manicuring in a salon for at least one (1) year.

(f) Notwithstanding subsections (a) through (e), instructor students may instruct other students provided a licensed instructor is present.

**(g) Notwithstanding subsections (a) through (e), an individual that:**

- (1) currently holds a valid cosmetology instructor, electrology instructor, or esthetician instructor license; and**
  - (2) applies for another instructor license;**
- shall be deemed to have met the education and examination requirements to obtain the additional instructor license.** *(State Board of Cosmetology Examiners; 820 IAC 4-3-1; filed Feb 23, 1990, 5:00 p.m.: 13 IR 1408, eff Apr 1, 1990; filed Dec 3, 1991, 11:00 a.m.: 15 IR 575; filed Dec 29, 1998, 10:54 a.m.: 22 IR 1489; filed May 4, 2001, 11:16 a.m.: 24 IR 2687; readopted filed May 22, 2001, 9:56 a.m.: 24 IR 3236)*

**Notice of Public Hearing**

*Under IC 4-22-2-24, notice is hereby given that on January 10, 2005 at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room 2, Indianapolis, Indiana the State Board of Cosmetology Examiners will hold a public hearing on a proposed amendment to establish the education and examination requirements for an instructor license to allow an instructor licensed under IC 25-8-6, IC 25-8-6.1, or IC 25-8-6.2 to qualify for another instructor license without further instructor education or examination provided the licensed instructor meets licensing and experience requirements and to revise the licensing requirements for an individual teaching manicuring in a cosmetology school. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gerald H. Quigley  
Executive Director  
Professional Licensing Agency

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**TITLE 865 STATE BOARD OF REGISTRATION  
FOR LAND SURVEYORS**

**Proposed Rule**  
LSA Document #04-175

**DIGEST**

Amends 865 IAC 1-11-1 to revise the fees charged and collected by the board. Effective 30 days after filing with the secretary of state.

**865 IAC 1-11-1**

SECTION 1. 865 IAC 1-11-1, AS AMENDED AT 28 IR 605, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**865 IAC 1-11-1 Fees charged by board**

**Authority:** IC 25-1-8-2; IC 25-21.5-2-14

**Affected:** IC 25-21.5

Sec. 1. The board shall charge and collect the following fees, which shall all be nonrefundable and nontransferable:

- (1) For review of an application for examination for ~~registration certification and enrollment as a land surveyor other than comity, ten~~ **surveyor-in-training, one hundred dollars (\$10): (\$100).**
- (2) **For review of an application for examination for registration as a land surveyor, three hundred dollars (\$300).**
- ~~(3)~~ **(3)** The fee for the examination or reexamination of any

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applicant under the Act is the payment of the applicant's cost of purchasing the examination, payable to the examination service.

~~(3)~~ **(4)** For the processing and review of qualifications for registration as a land surveyor by comity, ~~seventy-five~~ **five hundred** dollars ~~(\$75)~~: **(\$500)**.

~~(4)~~ **(5)** For issuance of the original certificate to practice as a registered land surveyor following passage of the examination or approval for registration on the basis of comity when the certificate is dated between August 1 of an:

(A) odd-numbered year and July 31 of the following even-numbered year, inclusive, fifty dollars (\$50); or

(B) even-numbered year and July 31 of the following odd-numbered year, inclusive, one hundred dollars (\$100).

~~(5)~~ **(6)** For biennial renewal of the certificate to practice as a registered land surveyor, a renewal fee of one hundred dollars (\$100) and a fee of two dollars (\$2) for each hour of continuing education required both payable no later than July 31 of each even-numbered year. No fee shall be required to renew a certificate in inactive status under 865 IAC 1-13-13.

~~(6)~~ **(7)** For renewal of an expired certificate to practice as a registered land surveyor, ~~ten~~ **one hundred** dollars ~~(\$10)~~; **(\$100)**, plus all unpaid renewal fees for the four (4) years of delinquency. A certificate may not be renewed after four (4) years of delinquency.

~~(7)~~ **(8)** For a duplicate or replacement certificate to practice as a registered land surveyor, twenty-five dollars (\$25).

~~(8)~~ **(9)** For a replacement pocket card to practice as a registered land surveyor, ten dollars (\$10).

~~(9)~~ For enrollment as a land-surveyor-in-training, ~~twenty-five~~ **one hundred** dollars ~~(\$25)~~; **(\$100)**.

(10) The fee shall be ~~seventy-five~~ **one hundred** dollars ~~(\$75)~~; **(\$100)** for the proctoring of examinations taken in this state for purposes of registration in other states. This fee shall be in addition to the examination fee.

*(State Board of Registration for Land Surveyors; Rule 12, Sec 1; filed Feb 29, 1980, 3:40 p.m.: 3 IR 637; filed Oct 14, 1981, 1:30 p.m.: 4 IR 2459; filed Oct 17, 1986, 2:20 p.m.: 10 IR 442; errata, 10 IR 445; filed Oct 13, 1992, 5:00 p.m.: 16 IR 884; filed Jun 14, 1996, 3:00 p.m.: 19 IR 3110; filed Nov 20, 2000, 3:01 p.m.: 24 IR 1025; readopted filed May 22, 2001, 9:55 a.m.: 24 IR 3237; filed Jul 17, 2002, 3:36 p.m.: 25 IR 4110; filed Sep 16, 2004, 9:00 a.m.: 28 IR 605, eff Nov 1, 2004)*  
*NOTE: 864 IAC 1.1-12-1 was renumbered by Legislative Services Agency as 865 IAC 1-11-1.*

### Notice of Public Hearing

*Under IC 4-22-2-24, notice is hereby given that on January 14, 2005 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room D, Indianapolis, Indiana the State Board of Registration for Land Surveyors will hold a public hearing on proposed amendments to revise the fees charged and collected by the board. Copies of these rules are now on file at the Indiana*

*Government Center-South, 302 West Washington Street, Room E034 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gerald H. Quigley  
Executive Director  
Professional Licensing Agency

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## TITLE 878 HOME INSPECTORS LICENSING BOARD

**Proposed Rule**  
LSA Document #04-191

### DIGEST

Adds 878 IAC concerning definitions, minimum standards of competent performance and code of ethics, fees and licensure requirements, prelicensing course providers, and continuing education. Effective 30 days after filing with the secretary of state.

### 878 IAC

SECTION 1. 878 IAC IS ADDED TO READ AS FOLLOWS:

### TITLE 878 HOME INSPECTORS LICENSING BOARD

### ARTICLE 1. GENERAL PROVISIONS

#### Rule 1. Definitions

#### 878 IAC 1-1-1 Applicability

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

**Sec. 1. The definitions in this rule apply throughout this article.** *(Home Inspectors Licensing Board; 878 IAC 1-1-1)*

#### 878 IAC 1-1-2 "Alarm systems" defined

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

**Sec. 2. "Alarm systems" means warning devices, installed or free-standing, including, but not limited to, the following:**

- (1) Carbon monoxide detectors.**
- (2) Flue gas and other spillage detectors.**
- (3) Security equipment.**
- (4) Ejector pumps.**
- (5) Smoke alarms.**

*(Home Inspectors Licensing Board; 878 IAC 1-1-2)*

#### 878 IAC 1-1-3 "Architectural service" defined

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

**Sec. 3. “Architectural service” means any practice involving the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction, including, but not specifically limited to, the following:**

- (1) Schematic design.
- (2) Design development.
- (3) Preparation of construction contract documents.
- (4) Administration of the construction contract.

*(Home Inspectors Licensing Board; 878 IAC 1-1-3)*

**878 IAC 1-1-4 “Compensation” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 4. “Compensation” means direct or indirect payment, including the expectation of payment whether or not actually received.** *(Home Inspectors Licensing Board; 878 IAC 1-1-4)*

**878 IAC 1-1-5 “Component” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 5. “Component” means a readily accessible and observable aspect of a system.** *(Home Inspectors Licensing Board; 878 IAC 1-1-5)*

**878 IAC 1-1-6 “Decorative” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 6. “Decorative” means an item that is not required for the operation of the essential systems and components of a home.** *(Home Inspectors Licensing Board; 878 IAC 1-1-6)*

**878 IAC 1-1-7 “Dismantle” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 7. “Dismantle” means to take apart or remove any component, device, or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine homeowner maintenance.** *(Home Inspectors Licensing Board; 878 IAC 1-1-7)*

**878 IAC 1-1-8 “Engineering service” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 8. “Engineering service” means any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional service or creative work as:**

- (1) consultation;
- (2) investigation;

- (3) evaluation;
- (4) planning;
- (5) design; and
- (6) supervision;

**of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works, and processes.** *(Home Inspectors Licensing Board; 878 IAC 1-1-8)*

**878 IAC 1-1-9 “Further evaluation” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 9. “Further evaluation” means examination and analysis by a qualified professional, tradesman, or service technician beyond that provided by the home inspection.** *(Home Inspectors Licensing Board; 878 IAC 1-1-9)*

**878 IAC 1-1-10 “Installed” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 10. “Installed” means attached such that removal requires tools.** *(Home Inspectors Licensing Board; 878 IAC 1-1-10)*

**878 IAC 1-1-11 “Normal operating controls” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 11. “Normal operating controls” means devices, such as thermostats, switches, or valves, intended to be operated by the homeowner.** *(Home Inspectors Licensing Board; 878 IAC 1-1-11)*

**878 IAC 1-1-12 “Readily accessible” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 12. “Readily accessible” means available for visual inspection without requiring:**

- (1) moving of personal property;
- (2) dismantling;
- (3) destructive measures; or
- (4) any action that will likely involve risk to persons or property.

*(Home Inspectors Licensing Board; 878 IAC 1-1-12)*

**878 IAC 1-1-13 “Readily openable access panel” defined**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

**Sec. 13. “Readily openable access panel” means a panel provided for homeowner inspection and maintenance that:**

- (1) is within normal reach;
- (2) can be removed by one (1) person; and
- (3) is not sealed in place.

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*(Home Inspectors Licensing Board; 878 IAC 1-1-13)*

### 878 IAC 1-1-14 “Recreational facilities” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 14. “Recreational facilities” means the following:

- (1) Spas.
- (2) Saunas.
- (3) Steam baths.
- (4) Swimming pools.
- (5) Exercise, entertainment, athletic, playground, or other similar equipment and associated accessories.

*(Home Inspectors Licensing Board; 878 IAC 1-1-14)*

### 878 IAC 1-1-15 “Report” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2-2-7

Sec. 15. “Report” means to communicate, in writing, on all areas required by IC 25-20.2-2-7. *(Home Inspectors Licensing Board; 878 IAC 1-1-15)*

### 878 IAC 1-1-16 “Representative number” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 16. “Representative number” means one (1) component:

- (1) per room for multiple similar interior components, such as windows and electric outlets; or
- (2) on each side of the building for multiple similar exterior components.

*(Home Inspectors Licensing Board; 878 IAC 1-1-16)*

### 878 IAC 1-1-17 “Roof drainage system” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 17. “Roof drainage system” means components used to carry water off a roof and away from a building. *(Home Inspectors Licensing Board; 878 IAC 1-1-17)*

### 878 IAC 1-1-18 “Shut down” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 18. “Shut down” means a state in which a system or component cannot be operated by normal operating controls. *(Home Inspectors Licensing Board; 878 IAC 1-1-18)*

### 878 IAC 1-1-19 “Significantly deficient” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 19. “Significantly deficient” means unsafe or not functioning. *(Home Inspectors Licensing Board; 878 IAC 1-1-19)*

### 878 IAC 1-1-20 “Solid fuel burning appliances” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 20. “Solid fuel burning appliances” means a hearth and fire chamber or similar prepared place in which a fire may be built and that is built in conjunction with a chimney or a listed assembly of a fire chamber, its chimney, and related factory-made parts designed for unit assembly without requiring field construction. *(Home Inspectors Licensing Board; 878 IAC 1-1-20)*

### 878 IAC 1-1-21 “Structural component” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 21. “Structural component” means a component that supports nonvariable forces or weights and variable forces or weights. *(Home Inspectors Licensing Board; 878 IAC 1-1-21)*

### 878 IAC 1-1-22 “System” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 22. “System” means a combination of interacting or interdependent components assembled to carry out one (1) or more functions. *(Home Inspectors Licensing Board; 878 IAC 1-1-22)*

### 878 IAC 1-1-23 “Technically exhaustive” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 23. “Technically exhaustive” means an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means. *(Home Inspectors Licensing Board; 878 IAC 1-1-23)*

### 878 IAC 1-1-24 “Underfloor crawlspace” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 24. “Underfloor crawlspace” means the area within the confines of the foundation and between the ground and the underside of the floor. *(Home Inspectors Licensing Board; 878 IAC 1-1-24)*

### 878 IAC 1-1-25 “Unsafe” defined

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 25. “Unsafe” means a condition in a readily accessible, installed system or component that is judged to be a significant risk of personal injury during normal, day-to-day use. The risk may be due to:

- (1) damage;
- (2) deterioration;

- (3) improper installation; or
- (4) a change in accepted residential construction standards.

*(Home Inspectors Licensing Board; 878 IAC 1-1-25)*

**Rule 2. Minimum Standards of Competent Practice and Code of Ethics**

**878 IAC 1-2-1 Minimum standards of competent performance of home inspections**

Authority: IC 25-20.2-3-8; IC 25-20.2-3-9

Affected: IC 25-20.2

**Sec. 1. (a) The competent performance of home inspections requires remaining current with generally accepted developments within the area of specialization and the development and exercise of judgment as to when to apply specific procedures in a reasonable, effective, efficient, and economical manner.**

**(b) The competent performance of home inspections includes acting within generally accepted ethical principles and guidelines of the profession and maintaining an awareness of personal and professional limitations.**

**(c) Purpose and scope are as follows:**

**(1) Licensees shall:**

**(A) inspect:**

- (i) readily accessible systems and components of homes listed in these minimum standards of competent performance; and**
- (ii) installed systems and components of homes listed in these minimum standards of competent performance; and**

**(B) report:**

- (i) on those systems and components inspected that, in the professional opinion of the inspector, are significantly deficient or are near the end of their service lives;**
- (ii) a reason why, if not self-evident, the system or component is significantly deficient or near the end of its service life;**
- (iii) the licensee's recommendations to correct or monitor the reported deficiency; and**
- (iv) on any systems and components designated for inspection in these minimum standards of competent performance that were present at the time of the home inspection but were not inspected and a reason they were not inspected.**

**(2) These minimum standards of competent performance are not intended to limit licensees from:**

- (A) including other inspection services, systems, or components in addition to those required by these minimum standards of competent performance;**
- (B) specifying repairs, provided the licensee is appropriately qualified and willing to do so; or**

**(C) excluding systems and components from the inspection if requested by the client.**

**(d) Structural systems requirements are as follows:**

**(1) Licensees shall:**

**(A) inspect:**

- (i) the structural components including foundation and framing; and**
- (ii) by probing a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist, but probing is not required when probing would damage any finished surface or where no deterioration is visible; and**

**(B) describe:**

- (i) the foundation and report the methods used to inspect the underfloor crawlspace;**
- (ii) the floor structure;**
- (iii) the wall structure;**
- (iv) the ceiling structure; and**
- (v) the roof structure and report the methods used to inspect the attic.**

**(2) Licensees are not required to:**

- (A) provide any engineering service or architectural service; or**
- (B) offer an opinion as to the adequacy of any structural system or component.**

**(e) Exteriors requirements are as follows:**

**(1) Licensees shall:**

**(A) inspect:**

- (i) the exterior wall covering, flashing, and trim;**
- (ii) all exterior doors;**
- (iii) attached decks, balconies, stoops, steps, porches, and their associated railings;**
- (iv) the eaves, soffits, and fascias where accessible from the ground level;**
- (v) the vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to adversely affect the building; and**
- (vi) walkways, patios, and driveways leading to dwelling entrances; and**

**(B) describe the exterior wall covering.**

**(2) Licensees are not required to inspect:**

- (A) screening, shutters, awnings, and similar seasonal accessories;**
- (B) fences;**
- (C) geological, geotechnical, or hydrological conditions;**
- (D) recreational facilities;**
- (E) outbuildings;**
- (F) seawalls, breakwalls, and docks; or**
- (G) erosion control and earth stabilization measures.**

**(f) Roof systems requirements are as follows:**

**(1) Licensees shall:**

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- (A) inspect:
  - (i) the roof covering;
  - (ii) the roof drainage systems;
  - (iii) the flashings; and
  - (iv) the skylights, chimneys, and roof penetrations; and
- (B) describe the roof covering and report the methods used to inspect the roof.
- (2) Licensees are not required to inspect:
  - (A) antennae;
  - (B) interiors of flues or chimneys that are not readily accessible; or
  - (C) other installed accessories.
- (g) Plumbing systems requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the interior water supply and distribution systems including all fixtures and faucets;
      - (ii) the drain, waste, and vent systems including all fixtures;
      - (iii) the water heating equipment;
      - (iv) the vent systems, flues, and chimneys;
      - (v) the fuel storage and fuel distribution systems; and
      - (vi) the drainage sumps, sump pumps, and related piping; and
    - (B) describe:
      - (i) the water supply, drain, waste, and vent piping materials;
      - (ii) the water heating equipment including the energy source; and
      - (iii) the location of main water and main fuel shut-off valves.
  - (2) Licensees are not required to:
    - (A) inspect:
      - (i) the clothes washing machine connections;
      - (ii) the interiors of flues or chimneys that are not readily accessible;
      - (iii) wells, well pumps, or water storage related equipment;
      - (iv) water conditioning systems;
      - (v) solar water heating systems;
      - (vi) fire and lawn sprinkler systems; or
      - (vii) private waste disposal systems;
    - (B) determine:
      - (i) whether water supply and waste disposal systems are public or private; or
      - (ii) the quantity or quality of the water supply; or
    - (C) operate safety valves or shut-off valves.
- (h) Electrical systems requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the service drop;
      - (ii) the service entrance conductors, cables, and raceways;
      - (iii) the service equipment and main disconnects;
      - (iv) the service grounding;
      - (v) the interior components of service panels and subpanels;
      - (vi) the conductors;
      - (vii) the overcurrent protection devices;
      - (viii) a representative number of installed lighting fixtures, switches, and receptacles; and
      - (ix) the ground fault circuit interrupters;
    - (B) describe:
      - (i) the amperage and voltage rating of the service;
      - (ii) the location of main disconnect or disconnects and subpanels; and
      - (iii) the wiring methods; and
    - (C) report on the:
      - (i) presence of solid conductor aluminum branch circuit wiring; and
      - (ii) absence of smoke detectors.
  - (2) Licensees are not required to:
    - (A) inspect:
      - (i) the remote control devices unless the device is the only control device;
      - (ii) the alarm systems and components;
      - (iii) the low voltage wiring, systems, and components; or
      - (iv) the ancillary wiring, systems, and components not a part of the primary electrical power distribution system; or
    - (B) measure amperage, voltage, or impedance.
- (i) Heating systems requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect:
      - (i) the installed heating equipment; and
      - (ii) the vent systems, flues, and chimneys; and
    - (B) describe:
      - (i) the energy source; and
      - (ii) the heating method by its distinguishing characteristics.
  - (2) Licensees are not required to:
    - (A) inspect:
      - (i) the interiors of flues or chimneys that are not readily accessible;
      - (ii) the heat exchanger;
      - (iii) the humidifier or dehumidifier;
      - (iv) the electronic air filter; or
      - (v) the solar space heating system; or
    - (B) determine heat supply adequacy or distribution balance.
- (j) Air conditioning systems requirements are as follows:
  - (1) Licensees shall:
    - (A) inspect the installed central and through-wall cooling equipment; and

- (B) describe:**
    - (i) the energy source; and**
    - (ii) the cooling method by its distinguishing characteristics.**
  - (2) Licensees are not required to:**
    - (A) inspect electronic air filters; or**
    - (B) determine cooling supply adequacy or distribution balance.**
  - (k) Interiors requirements are as follows:**
    - (1) Licensees shall inspect:**
      - (A) the walls, ceilings, and floors;**
      - (B) the steps, stairways, and railings;**
      - (C) the countertops and a representative number of installed cabinets;**
      - (D) a representative number of doors and windows; and**
      - (E) garage doors and garage door operations.**
    - (2) Licensees are not required to inspect:**
      - (A) the paint, wallpaper, and other finish treatments;**
      - (B) the carpeting;**
      - (C) the window treatments;**
      - (D) the central vacuum systems;**
      - (E) the household appliances; or**
      - (F) recreational facilities.**
  - (l) Insulation and ventilation requirements are as follows:**
    - (1) Licensees shall:**
      - (A) inspect:**
        - (i) the insulation and vapor retarders in unfinished spaces;**
        - (ii) the ventilation of attics and foundation areas; and**
        - (iii) the mechanical ventilation systems; and**
      - (B) describe:**
        - (i) the insulation and vapor retarders in unfinished spaces; and**
        - (ii) the absence of insulation in unfinished spaces at conditioned surfaces.**
    - (2) Licensees are not required to:**
      - (A) disturb insulation or vapor retarders; or**
      - (B) determine indoor air quality.**
  - (m) Fireplaces and solid fuel burning appliances requirements are as follows:**
    - (1) Licensees shall:**
      - (A) inspect:**
        - (i) the system components; and**
        - (ii) the vent systems, flues, and chimneys; and**
      - (B) describe:**
        - (i) the fireplaces and solid fuel burning appliances; and**
        - (ii) the chimneys.**
    - (2) Licensees are not required to:**
      - (A) inspect:**
        - (i) the interiors of flues or chimneys;**
        - (ii) the firescreens and doors;**
      - (iii) the seals and gaskets;**
      - (iv) the automatic fuel fee devices;**
      - (v) the mantels and fireplace surrounds;**
      - (vi) the combustion make-up air devices; or**
      - (vii) the heat distribution assists whether gravity controlled or fan assisted;**
    - (B) ignite or extinguish fires;**
    - (C) determine draft characteristics; or**
    - (D) move fireplace inserts or stoves or firebox content.**
- (n) General limitations are as follows:**
  - (1) Inspections performed in accordance with these minimum standards of competent performance:**
    - (A) are not technically exhaustive; and**
    - (B) will not identify concealed conditions or latent defects.**
  - (2) These minimum standards of competent performance are applicable to buildings with four or fewer dwelling units and their garages or carports.**
- (o) General exclusions are as follows:**
  - (1) Licensees are not required to perform any action or make any determination unless specifically stated in these minimum standards of competent performance, except as may be required by lawful authority.**
  - (2) Licensees are not required to determine any of the following:**
    - (A) The conditions of systems and components that are not readily accessible.**
    - (B) The remaining life of any system or component.**
    - (C) The strength, adequacy, effectiveness, or efficiency of any system or component.**
    - (D) The causes of any condition or deficiency.**
    - (E) The methods, materials, or costs of corrections.**
    - (F) Future conditions including, but not limited to, failure of systems and components.**
    - (G) The suitability of the property for any specialized use.**
    - (H) Compliance with regulatory requirements, such as codes, regulations, laws, or ordinances.**
    - (I) The market value of the property or its marketability.**
    - (J) The advisability of the purchase of the property.**
    - (K) The presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms or diseases harmful to humans.**
    - (L) The presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.**
    - (M) The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.**
    - (N) The acoustical properties of any system or component.**
  - (3) Licensees are not required to:**

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- (A) offer or perform:
  - (i) any act or service contrary to law;
  - (ii) engineering services; or
  - (iii) work in any trade or any professional service other than home inspection; or
- (B) offer warranties or guarantees of any kind.
- (4) Licensees are not required to operate:
  - (A) any system or component that:
    - (i) is shut down or otherwise inoperable; or
    - (ii) does not respond to normal operating controls; or
  - (B) shut-off valves.
- (5) Licensees are not required to enter:
  - (A) any area that will, in the opinion of the licensee, likely be dangerous to the licensee or other persons or damage the property or its systems and components; or
  - (B) the underfloor crawlspaces or attics that are not readily accessible.
- (6) Licensees are not required to inspect:
  - (A) underground items including, but not limited to, underground storage tanks or other underground indications of their presence, whether abandoned or active;
  - (B) systems or components that are not installed;
  - (C) decorative items;
  - (D) systems or components located in areas that are not entered in accordance with these minimum standards of competent performance;
  - (E) detached structures other than garages and carports; or
  - (F) common elements or common areas in multiunit housing, such as condominium properties or cooperative housing.
- (7) Licensees are not required to:
  - (A) perform any procedure or operation that will, in the opinion of the licensee, likely be dangerous to the licensee or other persons or damage the property or its systems or components;
  - (B) move:
    - (i) suspended ceiling tiles;
    - (ii) personal property;
    - (iii) furniture;
    - (iv) equipment;
    - (v) plants;
    - (vi) soil;
    - (vii) snow;
    - (viii) ice; or
    - (ix) debris; or
  - (C) dismantle any system or component, except as explicitly required by these minimum standards of competent performance.

*(Home Inspectors Licensing Board; 878 IAC 1-2-1)*

### 878 IAC 1-2-2 Code of ethics for home inspectors

Authority: IC 25-20.2-3-8; IC 25-20.2-3-9

Affected: IC 25-20.2

Sec. 2. (a) Integrity, honesty, and objectivity are fundamental principles embodied in this code of ethics, which sets forth obligations of ethical conduct for the home inspection profession. The home inspectors licensing board has adopted this code of ethics to provide high ethical standards to safeguard the public and the profession.

(b) Licensees shall:

- (1) comply with this code of ethics;
- (2) avoid association with any enterprise whose practices violate this code of ethics;
- (3) strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession; and
- (4) avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.

(c) Licensees shall not:

- (1) inspect properties:
  - (A) for compensation in which they have, or expect to have, a financial interest; or
  - (B) under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of property;
- (2) directly or indirectly compensate realty agents, or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections of or inclusion on a list of recommended inspectors, preferred providers, or similar arrangements;
- (3) receive compensation for an inspection from more than one (1) party unless agreed to by the client or clients;
- (4) accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties; or
- (5) repair, replace, or upgrade, for compensation, systems or components covered by the minimum standards of competent performance found in section 1 of this rule for one (1) year after the inspection.

(d) Licensees shall:

- (1) act in good faith toward each client and other interested parties;
- (2) perform services and express opinions based on genuine conviction and only within their areas of education, training, or experience; and
- (3) be objective in their reporting and not knowingly understate or overstate the significance of reported conditions.

(e) Licensees shall not disclose inspection results or client information without client approval. Licensees, at their discretion, may disclose observed immediate safety hazards

to occupants exposed to such hazards when feasible.

(f) Licensees shall avoid activities that may harm the public, discredit themselves, or reduce public confidence in their profession.

(g) Advertising, marketing, and promotion of licensee services or qualifications shall not be fraudulent, false, deceptive, or misleading.

(h) Licensees shall report substantive and willful violations of:

- (1) this code of ethics; and
- (2) the minimum standards of competent performance found in section 1 of this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-2-2)*

### Rule 3. Fees and License Requirements

#### 878 IAC 1-3-1 Fees

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 1. (a) Candidates for examination shall pay the examination fee directly to the examination service.

(b) The application/issuance fee for a license to practice as a home inspector shall be four hundred fifty dollars (\$450).

(c) The fee for renewal of license to practice as a home inspector shall be four hundred dollars (\$400) biennially.

(d) The penalty fee for late renewal of a license to practice as a home inspector shall be fifty dollars (\$50).

(e) The fee for reinstating a retired license shall be four hundred dollars (\$400).

(f) The application fee for approval as a sponsor of continuing education shall be five hundred dollars (\$500).

(g) The renewal fee for approval to sponsor continuing education shall be five hundred dollars (\$500) biennially.

(h) The application fee for approval as a prelicensing course provider shall be five hundred dollars (\$500).

(i) The renewal fee for approval to provide prelicensing courses shall be five hundred dollars (\$500) biennially.

(j) The fee for verification of licensure to another state or jurisdiction shall be ten dollars (\$10).

(k) The fee for a duplicate wall certificate shall be ten dollars (\$10).

(l) All fees are nonrefundable and nontransferable. *(Home*

*Inspectors Licensing Board; 878 IAC 1-3-1)*

#### 878 IAC 1-3-2 Prelicensing course requirements

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 2. (a) Applicants for licensure must complete no fewer than sixty (60) hours with a minimum of forty (40) hours of classroom training and a minimum of twelve (12) hours of practical experience provided by a board approved prelicensing course provider.

(b) As used in subsection (a), "practical experience" means experience obtained through either on-site inspection work or experience obtained in a lab setting that includes hands-on or visual defect recognition of building systems or components.

(c) The required course must include training in the following areas:

- (1) Heating systems.
- (2) Cooling systems.
- (3) Electrical systems.
- (4) Plumbing systems.
- (5) Structural components.
- (6) Foundations.
- (7) Roof coverings.
- (8) Exterior and interior.
- (9) Indiana licensure law and report writing.

*(Home Inspectors Licensing Board; 878 IAC 1-3-2)*

#### 878 IAC 1-3-3 Examination requirement

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 3. Applicants for licensure shall be required to pass the National Home Inspector Examination as provided by the Examination Board of Professional Home Inspectors. *(Home Inspectors Licensing Board; 878 IAC 1-3-3)*

#### 878 IAC 1-3-4 License renewal

Authority: IC 25-20.2-3-8  
Affected: IC 25-1-2; IC 25-1-12; IC 25-20.2

Sec. 4. (a) The renewal process is governed by IC 25-1-2 as the same may be amended from time to time.

(b) Extensions of time to renew due to military service are governed by IC 25-1-12 as the same may be amended or recodified.

(c) It is the responsibility of the licensee to notify the Indiana professional licensing agency of an address change.

(d) If a license has been expired for less than two (2) years, the licensee may renew the license by meeting the following requirements:

- (1) File a renewal application provided by the board.

## Proposed Rules

- (2) Pay the current renewal fee established in section 1 of this rule.
- (3) Pay the penalty fee for late renewal established in section 1 of this rule.
- (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.
- (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.
- (6) Make a personal appearance before the board, as the board in its discretion may require.
- (7) Pass the national examination established in section 3 of this rule, as the board in its discretion may require.

(e) If a license has been expired for more than two (2) years, the licensee may renew the license by meeting the following requirements:

- (1) File a renewal application provided by the board.
- (2) Pay the current renewal fee established in section 1 of this rule.
- (3) Pay the penalty fee for late renewal established in section 1 of this rule.
- (4) Submit a detailed letter of explanation to the board as to why the license has lapsed.
- (5) Submit proof of having met the continuing education requirements for one (1) renewal cycle within the previous twenty-four (24) months.
- (6) If the licensee was granted initial licensure under the provisions of P.L.145-2003, SECTION 15, the licensee must complete a board approved preclicensing course that meets the requirements of section 2 of this rule.
- (7) Pass the required national examination established in section 3 of this rule.
- (8) Make a personal appearance before the board, as the board in its discretion may require.

*(Home Inspectors Licensing Board; 878 IAC 1-3-4)*

### 878 IAC 1-3-5 Licensure retirement

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 5. (a) An individual who is licensed as a home inspector and who would like to retire the license shall notify the board, in writing, when the individual retires from practice.

(b) An individual who has placed his or her license in retirement may not practice as a home inspector until the license has been reinstated by the board.

(c) In order to reinstate a retired license, an individual shall do the following:

- (1) Complete a retirement reinstatement application, which must be approved by the board.
- (2) Pay a reinstatement fee established under section 1 of this rule.

(3) Submit proof of continuing education requirements, as outlined by the board, depending on the number of years the license has been in retirement as follows:

(A) Zero (0) to three (3) years, sixteen (16) hours of continuing education shall be required and must be completed within twelve (12) months before the petition for reinstatement.

(B) Three (3) to six (6) years, thirty-two (32) hours of continuing education shall be required and must be completed within twenty-four (24) months before the petition for reinstatement.

(C) Six (6) years or more shall require board determination of the continuing education needed and the licensee must pass the examination required under section 3 of this rule.

(D) Retirement years shall be calculated from the receipt of request to retire the license until reinstatement of the license.

*(Home Inspectors Licensing Board; 878 IAC 1-3-5)*

### 878 IAC 1-3-6 Display of license

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 6. An individual who is licensed as a home inspector shall:

- (1) display the license or a clear copy of the license at each location where the home inspector conducts business; and
- (2) present, upon the request of any client, a pocket card license that indicates the license is active and in good standing.

*(Home Inspectors Licensing Board; 878 IAC 1-3-6)*

### Rule 4. Preclicensing Course Providers

#### 878 IAC 1-4-1 Approval by board

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 1. No preclicensing course provider shall conduct, solicit, or accept student enrollment for a home inspector course as prescribed in this rule without approval of the provider by the board. *(Home Inspectors Licensing Board; 878 IAC 1-4-1)*

#### 878 IAC 1-4-2 Application for preclicensing course approval; requirements and content

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 2. (a) Any course provider seeking approval of a home inspector's preclicensing course shall:

- (1) make written application for approval; and
- (2) submit such documents, statements, and forms as required by this rule.

(b) Applicants for approval of a home inspector's preclicensing course shall provide the board with the

following:

- (1) The name and address of the school's owner.
- (2) A list of all instructors who will be teaching the course and include evidence to indicate that these instructors have demonstrated competence in the area of home inspection education for which the instructor will be providing instruction.
- (3) A statement of objectives, which the course should achieve for its participants.
- (4) A statement explaining how the provider intends to provide for the following:
  - (A) Adequate administration of the course, including a responsible person to coordinate and administer the course.
  - (B) Maintenance of proper records.
- (5) A statement indicating how the course will be planned and designed to meet the requirements of 878 IAC 1-3-2.

(c) Applicants for approval of a home inspector's preclicensing course shall require a comprehensive examination, which its students must pass with a minimum score of seventy-five percent (75%) in order to successfully complete the course. Applicants shall submit the most current version of this examination at the time of filing the application for approval.

(d) Applicants for approval of a home inspector's preclicensing course shall provide the board with the following:

- (1) Documentation verifying adequate funding for the educational course undertaken.
- (2) An evaluation form devised and used to measure the course's effectiveness.
- (3) A statement indicating the manner in which the provider will provide its course participants a meaningful record of course completion.

*(Home Inspectors Licensing Board; 878 IAC 1-4-2)*

**878 IAC 1-4-3 Course records**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 3. Each approved provider offering approved courses must maintain records of students who successfully complete and pass the course of study for a minimum of five (5) years. The records must include attendance records, examination score records, and duplicate copies of completion certificates or the ability to reproduce duplicate completion certificates. *(Home Inspectors Licensing Board; 878 IAC 1-4-3)*

**878 IAC 1-4-4 Preclicensing course provider renewals**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 4. (a) The approval of courses expires on October 1

of each odd-numbered year.

(b) To renew the approval of the preclicensing course, the provider shall:

- (1) pay the renewal fee established in 878 IAC 1-3-1;
- (2) file a renewal application provided by the board; and
- (3) submit a biennial report, which shall contain:
  - (A) a list of instructors who teach any section of the course and a curriculum vitae for the instructor if the instructor was not listed on the provider's initial application for approval; and
  - (B) a roster of all students who attended the approved providers course during the previous renewal cycle and a report on whether each student passed or failed the course.

*(Home Inspectors Licensing Board; 878 IAC 1-4-4)*

**878 IAC 1-4-5 Preclicensing course provider audits**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 5. The board may perform random audits of approved preclicensing course providers to ensure compliance with this rule. *(Home Inspectors Licensing Board; 878 IAC 1-4-5)*

**Rule 5. Continuing Education**

**878 IAC 1-5-1 Continuing education requirements**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 1. (a) A licensee who renews a license as a home inspector shall complete not less than thirty-two (32) continuing education hours in each renewal period.

(b) Continuing education hours shall be obtained within the biennial renewal period in which the licensee is applying and shall not be carried over from one (1) biennial renewal period to another.

(c) A holder of a license issued under IC 25-20.2 must retain a record of the continuing education required by subsection (b) for two (2) years following the end of the biennial renewal period for which it was obtained.

(d) Continuing education completed to satisfy the continuing education requirements of another state with which a reciprocal agreement exists, in which the licensee also holds a license as a home inspector, may be applied towards the continuing education requirement of this rule for renewal of a license issued under IC 25-20.2.

(e) A holder of a license issued under IC 25-20.2 who has been licensed for less than two (2) full years before the first renewal date for that license shall meet the following continuing education requirements for the licensee's first

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## Proposed Rules

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renewal period:

- (1) A licensee who has been licensed for at least twelve (12) months, but less than twenty-four (24) months, shall complete sixteen (16) hours of continuing education for renewal of that initial license.
- (2) A licensee who has been licensed for less than twelve (12) months shall be exempt from the continuing education hours required for renewal of that initial license.

*(Home Inspectors Licensing Board; 878 IAC 1-5-1)*

### 878 IAC 1-5-2 Continuing education

Authority: IC 25-20.2-3-8

Affected: IC 25-20.2

Sec. 2. (a) As used in IC 25-20.2, "continuing education" means education provided by board-approved providers that is obtained by a licensee in order to maintain, improve, or expand the licensee's skills and knowledge.

(b) Continuing education shall be comprised of two (2) categories, Category I and Category II. The licensee shall obtain a minimum of seventy-five percent (75%) of the required amount of continuing education hours for renewal from Category I and may obtain a maximum of twenty-five percent (25%) of the required amount of continuing education hours for renewal from Category II.

(c) Category I is defined as continuing education that is formal programming, which includes instruction in one (1) of the following areas:

- (1) Heating systems.
- (2) Cooling systems.
- (3) Electrical systems.
- (4) Plumbing systems.
- (5) Structural components.
- (6) Foundations.
- (7) Roof coverings.
- (8) Exterior and interior components.

(d) Category II is defined as continuing education that is formal programming, which includes instruction in:

- (1) any other site aspects that affect a residential dwelling; or
- (2) business operations, contract writing, ethics courses, report writing, legal liability instruction, or any other formal programming that is specifically directed toward the home inspection industry.

*(Home Inspectors Licensing Board; 878 IAC 1-5-2)*

### 878 IAC 1-5-3 Approval of continuing education providers

Authority: IC 25-20.2-3-8; IC 25-20.2-6-5

Affected: IC 25-20.2

Sec. 3. (a) The following criteria shall be used for the approval of providers of continuing education courses for licensed home inspectors:

- (1) The continuing education provider shall have a

statement of objectives, which the provider's courses should achieve for its participants relating to and enhancing the licensees practice.

(2) The provider of continuing education courses shall provide the following:

- (A) Adequate administration, including a responsible person to coordinate and administer the courses.
- (B) Maintenance of proper records.

(3) Providers of continuing education courses shall provide adequate funding for the educational courses undertaken.

(4) The curriculum of continuing education courses shall be thoughtfully planned and designed to explore in considerable depth one (1) subject or a closely related group of subjects related to the licensee's practice.

(5) The continuing education provider shall have qualified faculty members with demonstrated competence in the subject areas.

(6) The continuing education provider's courses shall be held in adequate facilities that allow for an effective learning environment.

(7) Continuing education providers may employ a variety of educational methods and teaching aids that enhance the learning opportunities.

(8) Appropriate methods of evaluation shall be devised and used to measure the continuing education provider's effectiveness.

(9) The provider of continuing education courses shall provide to the participants a meaningful record of attendance stating the continuing education hours involved and whether the course involved subject matter under Category I or under Category II, as defined in section 2 of this rule.

(b) Organizations applying for board approval to be a registered provider of continuing education courses must submit an application to the board for approval at least ninety (90) days before the presentation of any course. The board shall act upon the application within ninety (90) days of receipt. The approval, if granted, is effective until October 1 of every odd-numbered year.

(c) An approval to provide continuing education hours for licensed home inspectors will expire on September 30 of the odd-numbered years.

(d) Providers of courses are responsible for monitoring attendance in such a manner that verification of attendance throughout the entire course can be reliably assured.

(e) The provider shall maintain attendance records for a minimum of four (4) years from the date of the course. These records must include the following:

- (1) The date of the course.
- (2) The course title.

- (3) The presenter's name.
- (4) The names of all participants.
- (5) The number of continuing education hours granted each participant.
- (6) A record of whether the hours granted are Category I or Category II, as defined in section 2 of this rule.

*(Home Inspectors Licensing Board; 878 IAC 1-5-3)*

**878 IAC 1-5-4 Request for a waiver of the continuing education requirement**

Authority: IC 25-20.2-3-8  
Affected: IC 25-1-12; IC 25-20.2

Sec. 4. (a) A holder of a license issued under IC 25-20.2, seeking renewal of that license without having completed the continuing education hours required for renewal under this rule, must submit:

- (1) a statement explaining the reasons for noncompliance;
  - (2) a request for a waiver of the continuing education hours required for renewal; and
  - (3) the renewal application and all required fees;
- at least forty-five (45) days before the license expiration date.

(b) The licensee must submit evidence that an extreme hardship exists, to the satisfaction of the board, to be granted a waiver.

(c) If the request is granted, the waiver will be effective for the length of the current renewal period only.

(d) If the request is denied, the licensee is responsible for completing the full amount of continuing education required for license renewal.

(e) Waivers may be granted if an extreme hardship exists. The board will determine whether an extreme hardship exists that would have prevented the licensee from obtaining his or her continuing education hours if, during the licensee's current renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual. The existence of the disability must be verified by a licensed physician or psychologist with special expertise in the area of the disability. Verification of the disability must include the following:

- (1) The nature and extent of the disability.
- (2) An explanation of how the disability would hinder the licensee from completing the continuing education requirement.
- (3) The name, title, address, telephone number, professional license number, and original signature of the

licensed physician or psychologist verifying the disability.

(f) Waivers of the continuing education requirement, or extensions of time in which to complete the continuing education requirement, due to military service are governed by IC 25-1-12 as the same may be amended or recodified.  
*(Home Inspectors Licensing Board; 878 IAC 1-5-4)*

**878 IAC 1-5-5 Continuing education audits**

Authority: IC 25-20.2-3-8  
Affected: IC 25-20.2

Sec. 5. (a) The board may require additional evidence demonstrating the licensee's compliance with the continuing education requirements of this rule. This additional evidence shall be required in the context of a random audit. It is the responsibility of the licensee to verify that the continuing education hours obtained to meet the continuing education required for the renewal of his or her license have been approved by the board. It is the responsibility of the licensee to retain or otherwise produce evidence of compliance.

(b) The board may perform random audits of approved continuing education providers to ensure compliance with this rule. *(Home Inspectors Licensing Board; 878 IAC 1-5-5)*

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on January 4, 2005 at 9:05 a.m., at the Indiana Government Center-South, 402 West Washington Street, Room W064, Indianapolis, Indiana the Home Inspectors Licensing Board will hold a public hearing on proposed rules concerning definitions, educational and licensing requirements, license renewal requirements, fees, continuing education requirements, standards for the competent performance of home inspections, code of ethics, and standards for home inspection reports prepared by home inspectors to implement the home inspector program under IC 25-20.2. Copies of these rules are now on file at the Indiana Government Center-South, 302 West Washington Street, Room E012 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Gerald H. Quigley  
Executive Director  
Professional Licensing Agency

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## Readopted Rules

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<b>Final Readopted Rules</b>
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3706

Hearing Held: August 26, 2004

Filed with Secretary of State: October 14, 2004, 10:15 a.m.

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### **TITLE 685 REGULATED AMUSEMENT DEVICE SAFETY BOARD**

Final Rule  
LSA Document #04-124(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

#### **685 IAC 1**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING IS READOPTED:

685 IAC 1 INDIANA AMUSEMENT DEVICE CODE

*LSA Document #04-124(F)*

*Intent to Readopt Rules Published: June 1, 2004; 27 IR 2878*

*Proposed Readopted Rules Published: July 1, 2004; 27 IR 3343*

*Hearing Held: August 17, 2004*

*Filed with Secretary of State: November 10, 2004, 1:10 p.m.*

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### **TITLE 760 DEPARTMENT OF INSURANCE**

Final Rule  
LSA Document #04-143(F)

#### DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the secretary of state.

#### **760 IAC 1-60-1**

#### **760 IAC 1-60-2**

#### **760 IAC 1-60-4**

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

760 IAC 1-60-1 Authority

760 IAC 1-60-2 Purpose and scope

760 IAC 1-60-4 Doctors of osteopathy

*LSA Document #04-143(F)*

*Intent to Readopt Rules Published: June 1, 2004; 27 IR 2878*

*Proposed Readopted Rules Published: August 1, 2004; 27 IR*

**60 Day Requirement (IC 4-22-2-19)**

**TITLE 655 BOARD OF FIREFIGHTING  
PERSONNEL STANDARDS AND EDUCATION**

LSA Document #04-138

November 4, 2004

VIA HAND DELIVERY

Senator R. Michael Young, Chairman  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
200 W. Washington Street, Suite 301  
Indianapolis, Indiana  
Attn: Sarah Burkman

Re: LSA Doc. #04-138

Dear Sen. Young,

Pursuant to the provisions of IC 4-22-2-19(c), this letter shall serve as written notification that Sections 26-49 do not comply with IC 4-22-2-19(c)(1). These sections create new voluntary certifications for fire service, and with respect to Sections 42-44, non-fire service emergency response personnel. The reasons for the non-compliance are as follows:

1. Pursuant to IC 22-14-2-7(c)(7), the Board of Firefighting Personnel Standards and Education is authorized to adopt rules to create a program of voluntary certification for fire service and non-fire service personnel and programs. This statute was effective in 1987.
2. The new certifications are designed to address the increasing complexity of rescue operations performed primarily by the fire service. The fire service is called on to perform a wide variety of emergency responses in the 21st century and, as the events of September 11, 2001, so clearly demonstrated, the types of rescues now being performed require advanced training. The fire service in Indiana strongly supports the training and certification opportunities created by these new certifications.

Please feel free to call me at 232-2226, or Mara Snyder, counsel to the Board, at 233-5341 should you have any questions or require further information about these certifications.

Sincerely,  
Ivan Nevil  
State Fire Marshal

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**TITLE 804 BOARD OF REGISTRATION FOR  
ARCHITECTS AND LANDSCAPE ARCHITECTS**

To: The Honorable Michael Young, Chairperson  
Administrative Rules Oversight Committee

From: Medana C. Davis  
Staff Counsel

Date: November 5, 2004

Re: **Continuing Education Rules for Board of Registration for Architect and Landscape Architects**

Cc: Sarah Burkman, Staff Attorney, LSA  
Gerald Quigley, Executive Director, PLA  
Gloria Keating, Board Director

On behalf of the Indiana Professional Licensing Agency and Board of Registration for Architects and Landscape Architects ("Board"), I am submitting this memorandum to the Administrative Rules Oversight Commission ("AROC") pursuant to IC § 4-22-2-19(c)(2) because the agency did not institute the rulemaking process within sixty (60) days after the effective date of the statutes that authorizes this rule.

Pursuant to IC § 25-4-1-31 and IC § 25-4-2-13, effective July 1, 2003, the Board may adopt rules under Ind. Code §4-22-2 to do the following:

- (1) Require continuing education and training for architects and landscape architects.
- (2) Set minimum requirements for continuing education and training for architects and landscape architects.
- (3) Set minimum requirements for continuing education instructors approved by the board.

The Board did not begin the rulemaking process within the sixty (60) day period because the Board wanted to review other states' continuing education requirements and work with their professional associations to develop rules that will be in line with the national standards. The Board is now prepared to proceed with administrative rules to establish the continuing education requirements for license renewal.

Your understanding of these circumstances is greatly appreciated. If you have any further concerns or require additional information, please do not hesitate to contact me at 317-234-2912 or email me at mdavis@hpb.in.gov.

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**TITLE 828 STATE BOARD OF DENTISTRY**

LSA Document #04-233

October 22, 2004

The Honorable R. Michael Young, Chairperson  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, IN 46204-2789

RE: LSA Document #04-233 – Dental Instructor’s Licenses

Dear Senator Young:

On behalf of the State Board of Dentistry and the Health Professions Bureau, this letter is to notify the Administrative Rules Oversight Committee of the progress of the promulgation of rules to implement IC 25-14-1-27.5 regarding the requirements for issuing an instructor’s license. Under IC 4-22-2-19, an agency that adopts a rule must begin the rulemaking process not later than sixty (60) days after the effective date of the statute that authorizes the rule.

IC 25-14-1-27.5 was enacted in 2003 effective July 1, 2003. The statute was amended by P.L.97-2004, SEC. 92. Indiana Code 25-14-1-27.5 provides that the State Board of Dentistry may issue an instructor’s license to an individual who is not otherwise licensed to practice dentistry if the individual meets certain conditions. The license is limited to teaching and practicing dentistry at an Indiana school of dentistry or an affiliated medical center of an Indiana school of dentistry. The statute also provides that the Board shall set a fee for the issuance and renewal of an instructor’s license. The license may not be used for any practice outside of the dental school or its affiliated medical centers. Not more than 5% of the Indiana school of dentistry’s full-time faculty may be individuals licensed under this law.

On July 1, 2003, the Board published a notice of intent to adopt a rule, LSA document #03-146, thereby meeting the sixty (60) day requirement of IC 4-22-2-19. However, the process of drafting the rule took longer than expected. The Board, realizing that it would not complete the process by July 1, 2004, decided to file a new Notice of Intent. The new Notice of Intent, LSA document #04-233, appeared in the September 1, 2004 edition of the *Indiana Register*. A hearing on the proposed rules is scheduled for December 3, 2004.

Although the Board began the rulemaking process within sixty (60) days after the effective date of IC 25-14-1-27.5 and because the Board is now operating under a new LSA Document number, in the interest of clarification and to comply with the spirit of IC 4-22-2-19, the Board is submitting this letter as part of the rulemaking process.

Please let me know if you have any questions or concerns.

Sincerely,

Barbara Marvel McNutt  
Chief Counsel

Cc: Sarah Burkman, Staff Attorney, LSA  
Lisa R. Hayes, Executive Director, Health Professional Bureau  
Shelly L. Mazo, Director, State Board of Dentistry

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**TITLE 879 MANUFACTURED HOME INSTALLER  
LICENSING BOARD**

LSA Document #04-272

To: The Honorable Michael Young, Chairperson  
Administrative Rules Oversight Committee

From: Medana C. Davis  
Staff Counsel

Date: October 6, 2004

**Re: Rules for Manufactured Home Installer Licensing Board**

Cc: Sarah Burkman, Staff Attorney, LSA  
Gerald Quigley, Executive Director, PLA  
Deborah Widemon, Board Director

On behalf of the Indiana Professional Licensing Agency and Manufactured Home Installers Licensing Board (“Board”), I am submitting this memorandum to the Administrative Rules Oversight Committee (“AROC”) pursuant to IC § 4-22-2-19(c)(2) because the agency did not institute the rulemaking process within sixty (60) days after the effective date of the statute that authorizes the rule.

Pursuant to IC § 25-23.7-3-8 and IC § 25-23.7-6-5, effective July 1, 2003, the Board may adopt rules under Ind. Code § 4-22-2 for the administration and enforcement of IC 25-23.7 and establishing the continuing education required for renewal. The Board could not begin the rulemaking process within the sixty (60) day period because the Board appointments were just completed and the Board held its first meeting in April 2004. However, after becoming familiar with the rulemaking process and reviewing other states’ requirements governing home installers, the Board is now prepared to proceed with administrative rules to establish the requirements for licensure, competent practice, renewal, continuing education, and fees. The Board has filed its Notice of Intent to be published in the November 1st edition of the *Indiana Register*.

Your understanding of these circumstances is greatly appreciated. If you have any further concerns or require additional information, please do not hesitate to contact me at 317-234-2912 or email me at mdavis@hpb.state.in.us.

Sincerely,

Medana C. Davis  
Staff Counsel

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**TITLE 326 AIR POLLUTION CONTROL BOARD**

**FINDINGS AND DETERMINATION OF THE  
COMMISSIONER PURSUANT TO IC 13-14-9-8  
AND DRAFT RULE  
#04-299(APCB)**

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING REFERENCES TO THE CODE OF FEDERAL REGULATIONS (CFR), AND COMPILATION OF AIR POLLUTION EMISSION FACTORS AP-42 AND SUPPLEMENTS (AP-42)**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 1-1-3 concerning references to the Code of Federal Regulations (CFR) to update any references to the CFR in Title 326 of the Indiana Administrative Code (IAC) to mean the July 1, 2004, edition. This change will have the effect of updating every rule in Title 326 of the IAC that incorporates the CFR to ensure it is consistent with the federal rule, except for rules in which a CFR edition is mentioned by a specific year. IDEM also has drafted language to amend 326 IAC 1-1-3.5 concerning references to the compilation of air pollution emission factors AP-42 and supplements. IDEM has scheduled a public hearing before the air pollution control board for consideration of preliminary adoption of these rules.

**CITATIONS AFFECTED:** 326 IAC 1-1-3; 326 IAC 1-1-3.5.

**AUTHORITY:** IC 13-14-8; IC 13-14-9; IC 13-15; IC 13-17-3; IC 13-17-8.

**STATUTORY REQUIREMENTS**

IC 13-14-9-8 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that there is no anticipated benefit from the first and second public comment periods, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

- (1) the rule constitutes:
  - (A) an adoption or incorporation by reference of a federal law, regulation, or rule that:
    - (i) is or will be applicable to Indiana; and
    - (ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;
  - (B) a technical amendment with no substantive effect on an existing Indiana rule; or
  - (C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and

(2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:

- (A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;
- (B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and
- (C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

**BACKGROUND**

**CODE OF FEDERAL REGULATIONS (CFR)**

326 IAC 1-1-3, References to the Code of Federal Regulations (CFR), indicates the yearly edition of the CFR that is applicable to rules that have been incorporated by reference throughout Title 326 of the IAC, unless a different edition is specified in a given rule. By annually updating the reference to the CFR, IDEM is able to incorporate by reference the latest version of the parts of the CFR already incorporated into the air rules, with the exception of those most recently published in the Federal Register (FR).

The 2004 edition of the CFR is a codification of the general and permanent rules published in the FR as of June 30, 2004. IDEM incorporates citations by reference from Titles 29 and 40 of the CFR.

Title 29 of the CFR, entitled "Intergovernmental Review of Environmental Protection Agency Programs and Activities", contains federal rules for the asbestos and lead programs. Title 29 of the CFR is referenced in 326 IAC 14 (Emission Standards for Hazardous Air Pollutants), 326 IAC 20 (Asbestos Management), and 326 IAC 23 (Lead-Based Paint Program). Many of these regulations are either directly incorporated by reference into Title 326 of the IAC as state-enforceable rule provisions or they are incorporated into Title 326 of the IAC as federal authority for the implementation and enforcement of state rule provisions.

Title 40 of the CFR entitled "Protection of Environment," includes all federal environmental regulations promulgated by the U.S. Environmental Protection Agency (U.S. EPA). It is referenced throughout Title 326 of the IAC.

The latest version of the CFR adopted by the Air Pollution Control Board is dated July 1, 2002. Since that date, a number of new federal rules were promulgated that later were incorporated and referenced in the state rules using their FR citation.

Examples of rules and changes that occurred between July 1, 2002, and June 30, 2004, that will be updated with this rulemaking follow. However, these examples are not exhaustive.

- Correction to Title 40 of the Code of Federal Regulations, Parts 81 to 85, revised as of July 1, 2002, on page 342, in Sec. 82.4, remove Table I at the end of paragraph (t)(4) (68 FR 10370). This correction affects 326 IAC 22.
- EPA's Guideline on Air Quality Models (*Guideline*) addresses the regulatory application of air quality models for assessing criteria pollutants under the Clean Air Act. In an action published in the April 15, 2003 Federal Register (68 FR 18439), U.S. EPA promulgated several additions and changes to the *Guideline*. The *Guideline* adopted a new dispersion model, CALPUFF, in Appendix A. CALPUFF becomes the preferred technique for assessing long range transport of pollutants and their impacts on Federal Class I areas. Action on AERMOD and the Emissions and Dispersion Modeling System (EDMS) was deferred. Also various editorial changes were made to update and reorganize information, and remove obsolete models. The *Guideline* affects modeling for planning and rules throughout Title 326.

- U.S. EPA created an exemption from the consumption and production phaseout for quantities of Class 1, Group VI controlled substances (methyl bromide) that are used for quarantine and preshipment (68 FR 237). This final rule affects 326 IAC 22.

**INCORPORATION OF COMPILATION OF AIR POLLUTION EMISSION FACTORS AP-42 INCLUDING SUPPLEMENTS (AP-42)**

Compilation of Air Pollution Emission Factors (AP-42) is a document issued by U.S. EPA that is currently referenced in Title 326 of the IAC. This rulemaking updates the References to the Compilation of Air Emissions Factors AP-42 and Supplements to include updates through 2004 to allow sources to use the most recent version of AP-42.

AP-42 is a fundamental tool for air quality management and is used for developing emission control strategies, determining applicability of permitting and control programs, ascertaining the effects of sources and appropriate mitigation strategies, and a number of related applications. The Fifth Edition of AP-42, Volume I, contains information on over 200 stationary source categories. This information includes brief descriptions of processes used, potential sources of air emissions from the processes and common methods used to control these air emissions. Methodologies for estimating the quantity of air pollutants emissions are presented in the emission factors.

**Identification of Restrictions and Requirements Not Imposed Under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. Affected entities must comply with the federal rule, and IDEM does not propose to add more stringent requirements.

**Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Gayl Killough, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

**FINDINGS**

The commissioner of IDEM has prepared findings regarding rulemaking on the incorporation by reference of the 2004 version of the Code of Federal Regulations (CFR) and addition of references to Compilation of Air Pollution Factors AP-42 and supplements (AP-42) as required by federal rule. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) This rule is the direct adoption of incorporation of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the federal rule.
- (2) Indiana, in many cases, is required by the CAA to adopt these requirements as state rules.
- (3) The public will benefit from the prompt adoption of this rule because it alleviates unnecessary duplication of rulemaking efforts by the state by directly incorporating the Code of Federal Regulations (CFR) and updating the references to the compilation of air pollution emission factors and supplements (AP-42).
- (4) I have determined that under the specific circumstances pertaining to this rule, there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.
- (5) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan  
Commissioner  
Indiana Department of Environmental Management

**ADDITIONAL INFORMATION**

Additional information regarding this action may be obtained from Gayl Killough, Rules Development Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027, press 0, and ask for extension 3-8628 (in Indiana).

**DRAFT RULE**

SECTION 1. 326 IAC 1-1-3, AS AMENDED AT 28 IR 17, SECTION 1, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-1-3 References to the Code of Federal Regulations**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, ~~2002~~, 2004, edition\*.

\*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3; filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17*)

SECTION 2. 326 IAC 1-1-3.5, AS AMENDED AT 28 IR 18, SECTION 2, IS AMENDED TO READ AS FOLLOWS:

**326 IAC 1-1-3.5 References to the Compilation of Air Pollution Emission Factors AP-42 and Supplements**

**Authority:** IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
**Affected:** IC 13-15; IC 13-17

Sec. 3.5. Unless otherwise indicated, any reference to the Compilation of Air Pollution Emission Factors AP-42 (AP-42) means the January 1995, Fifth Edition, Volume I\*, including the following AP-42, Fifth Edition, Volume I supplements:

- (1) Supplement A, February 1996\*.
- (2) Supplement B, November 1996\*.
- (3) Supplement C, November 1997\*.
- (4) Supplement D, August 1998\*.
- (5) Supplement E, September 1999\*.
- (6) Supplement F, September 2000\*.
- (7) Update 2001\*.
- (8) Update 2002\*.
- (9) Update 2003\*.**
- (10) Update 2004\*.**

\*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 1-1-3.5; filed May 21, 2002, 10:20 a.m.: 25*

IR 3055; filed Aug 26, 2004, 11:30 a.m.: 28 IR 18)

**Notice of First Meeting/Hearing**

Under IC 4-22-2-24, IC 13-14-8-1, IC 13-14-8-2, and IC 13-14-9, notice is hereby given that on February 2, 2005, at 1:00 p.m, at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana the Air Pollution Control Board will hold a public hearing on amendments to 326 IAC 1-1-3, 326 IAC 1-1-3.5, and Title 326.

The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed amendments. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.

Additional information regarding this action may be obtained from Gayl Killough, Rules Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).

Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:

Attn: ADA Coordinator  
 Indiana Department of Environmental Management  
 100 North Senate Avenue  
 P.O. Box 6015  
 Indianapolis, Indiana 46206-6015

or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.

Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.

**AUTHORITY:** IC 13-14-8-7; IC 13-14-9-8; IC 13-17-3-4; IC 13-17-3-11.

**STATUTORY REQUIREMENTS**

IC 13-14-9-8 recognizes that under certain circumstances it may be appropriate to reduce the number of public comment periods routinely provided. In cases where the commissioner determines that there is no anticipated benefit from the first and second public comment periods, IDEM may forgo these comment periods and proceed directly to the public hearing and board meeting at which the draft rule is considered for preliminary adoption. Two (2) opportunities for public comment (at the public hearings prior to preliminary and final adoption of the rule) remain under this procedure.

If the commissioner makes the determination of no anticipated benefit required by IC 13-14-9-8, the commissioner shall prepare written findings and publish those findings in the Indiana Register prior to the board meeting at which the draft rule is to be considered for preliminary adoption and include them in the board packet prepared for that meeting. This document constitutes the commissioner's written findings pursuant to IC 13-14-9-8.

The statute provides for this shortened rulemaking process if the commissioner determines that:

- (1) the rule constitutes:
  - (A) an adoption or incorporation by reference of a federal law, regulation, or rule that:
    - (i) is or will be applicable to Indiana; and
    - (ii) contains no amendments that have a substantive effect on the scope or intended application of the federal law or rule;
  - (B) a technical amendment with no substantive effect on an existing Indiana rule; or
  - (C) a substantive amendment to an existing Indiana rule, the primary and intended purpose of which is to clarify the existing rule; and
- (2) the rule is of such nature and scope that there is no reasonably anticipated benefit to the environment or the persons referred to in IC 13-14-9-7(a)(2) from:
  - (A) exposing the rule to diverse public comment under section IC 13-14-9-3 or IC 13-14-9-4;
  - (B) affording interested or affected parties the opportunity to be heard under IC 13-14-9-3 or IC 13-14-9-4; and
  - (C) affording interested or affected parties the opportunity to develop evidence in the record collected under IC 13-14-9-3 and IC 13-14-9-4.

**TITLE 326 AIR POLLUTION CONTROL BOARD**

**FINDINGS AND DETERMINATION OF THE COMMISSIONER PURSUANT TO IC 13-14-9-8 AND DRAFT RULE #04-300(APCB)**

**DEVELOPMENT OF NEW RULES CONCERNING STATIONARY COMBUSTION ENGINES; LIME MANUFACTURING PLANTS; IRON AND STEEL FOUNDRIES; INTEGRATED IRON AND STEEL MANUFACTURING; MERCURY CELL CHLOR-ALKALI PLANTS**

**PURPOSE OF NOTICE**

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for new rules to incorporate by reference the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for stationary combustion engines; lime manufacturing plants; iron and steel foundries; integrated iron and steel manufacturing; and mercury cell chlor-alkali plants and has scheduled a public hearing/meeting before the air pollution control board (board) for consideration of preliminary adoption of these rules.

**CITATIONS AFFECTED:** 326 IAC 20-90; 326 IAC 20-91; 326 IAC 20-92; 326 IAC 20-93; 326 IAC 20-94.

**SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING**

**Basic Purpose and Background**

The 1990 Amendments to the Clean Air Act require the United States Environmental Protection Agency (U.S. EPA) to regulate major sources of hazardous air pollutants (HAPs). A major source is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that has the potential to emit, considering controls, ten (10) tons per year or more of any single hazardous air pollutant or twenty-five (25) tons per year or more of any combination of HAPs. HAPs are listed by U.S. EPA because they are either known or suspected to cause cancer or other serious health effects. There are currently one hundred eighty-eight (188) HAPs listed in the Clean Air Act. On July 16, 1992, (57 FR 311576), U.S. EPA published a list of industrial groups or source categories that emit one (1) or more of the one hundred eighty-eight (188) listed HAPs. The Clean Air Act requires U.S. EPA to develop emission standards, referred to as national emission standards for hazardous air pollutants

(NESHAPs), that require the application of air pollution reduction measures based on maximum achievable control technology (MACT) for the listed source categories. The "MACT floor" is the minimum control level allowed for NESHAPs and ensures that the standard is set at a level that assures that all existing major sources achieve a level of control at least as stringent as that already achieved by the better-controlled and lower-emitting sources in each source category or subcategory. For new sources, the MACT floor cannot be less stringent than the emission control that is achieved in practice by the best-controlled similar source.

For most NESHAPs, the final compliance deadline is three (3) years after the rule promulgation date. Most NESHAPs have intermediate compliance dates and require a compliance plan prior to the final compliance deadline. For NESHAPs where only minor changes are required in order to comply with the promulgated NESHAP, the compliance date is less than three (3) years.

IDEM must incorporate the federal requirements into state rules or establish state requirements that are no less stringent than the federal requirements. This rulemaking will incorporate by reference the following NESHAPs:

**Stationary Combustion Turbines (40 CFR 63, Subpart YYYY)**

This NESHAP applies to stationary combustion turbines, which are used by the electric utility industry and also by independent power producers to produce electricity, the gas pipeline industry to maintain pressure in gas pipelines, and at chemical and industrial plants to produce both heat and shaft power. Combustion turbines are also used in standby and emergency modes to provide electric power when the normal electric power is lost. A new source is defined as commencing construction of the stationary combustion turbine after January 14, 2003. New sources are subject to applicable requirements including emission limitations, add-on controls, maintenance, reporting, and notification requirements. Existing sources are subject to maintenance and reporting requirements only. U.S. EPA considered establishing more stringent requirements for existing sources but determined the costs of adding controls to be cost prohibitive and excessive based on the very small reduction in HAP emissions that would result. For new sources, the MACT standards cannot be less stringent than the emission control that is achieved in practice by the best controlled similar source. New sources are required to install add-on controls such as an oxidation catalyst system. For new sources, this NESHAP is predicted to reduce emissions nationwide from formaldehyde, toluene, and benzene by an estimated 98 tons per year (or ninety percent (90%), due to additional control requirements) in the fifth year after the NESHAP is promulgated. Fifteen (15) Indiana sources are potentially subject to this NESHAP. New sources must comply six (6) months after rule is final or six (6) months after startup, whichever is later.

**Lime Manufacturing (40 CFR 63, Subpart AAAAA)**

This NESHAP applies to commercial and captive (produced and used internally; not sold on open market) lime manufacturing plants that are major or are located at a major source. Lime is produced by crushing limestone and then heating it in a kiln. The kiln is a large furnace fueled by coal, natural gas, oil, or coke. Main emissions are from the burning of the fuels and the heating of feed materials. The primary air toxics produced are arsenic, cadmium, chromium, nickel, and hydrogen chloride. U.S. EPA predicts that air toxic metal emissions will be reduced nationally by three and six-tenths (3.6) tons per year and hydrogen chloride will be reduced by two hundred forty (240) tons per year by the fifth year after promulgation of the NESHAP. There are at least two (2) potential Indiana sources. Sources must comply by February 26, 2007.

**Iron and Steel Foundries (40 CFR 63, Subpart EEEEE)**

This NESHAP applies to iron and steel foundries melt scrap, ingot,

and other forms of iron and steel and pour the molten metal into molds to produce products. The rule will reduce emissions of benzene, chromium, dioxin, lead, manganese, mercury, methanol, nickel, and triethylamine. Overall air emissions will be reduced nationally by one thousand eight hundred fifty (1,850) tons per year. The NESHAP includes emission limits from manufacturing processes and pollution prevention-based requirements to reduce emissions from furnace charge materials and coating formulations. There are at least nineteen (19) potential Indiana sources. Sources must comply by April 22, 2007.

**Integrated Iron and Steel Manufacturing (40 CFR 63, Subpart FFFFF)**

This NESHAP applies to integrated iron and steel manufacturing sources that produce steel from iron ore. HAPs emitted include metals and trace amounts of organic HAPS such as benzene. Emission limits apply to the sinter plant windbox exhaust, sinter discharge, and sinter cooler. Emission limits also apply to the blast furnaces and basic oxygen process furnace shops. The NESHAP includes particulate matter emission limits and opacity limits which are a surrogate for metal emissions. Reductions from the final NESHAP are difficult to estimate, but for the proposed rule, U.S. EPA estimated a reduction nationally of particulate matter of one thousand five hundred (1,500) tons from 1999 levels. There are at least four (4) potential Indiana sources. Sources must comply by May 20, 2006.

**Mercury Cell Chlor-Alkali Plants (formerly Chlorine Production) (40 CFR 63, Subpart IIIII)**

This NESHAP applies to mercury and chlorine emissions from mercury cell chlor-alkali plants. Mercury cells are electrically connected together in series with circuits of thirty (30) or more cells. Each cell involves two (2) operations. The electrolytic cell produces chlorine gas, and a separate decomposer produces hydrogen gas and caustic solution. There is one (1) decomposer associated with each cell. Caustic soda (NaOH) and chlorine are produced by the electrolysis of an aqueous solution of sodium chloride (brine). Mercury emissions will be reduced nationally by one thousand five hundred (1,500) tons per year from current levels. There was one (1) potential source based on the original chlorine production parameters, however this NESHAP was narrowed to focus on mercury cells, and there are no expected sources in Indiana for this NESHAP as it is currently written. Sources must comply by December 19, 2006.

**Identification of Restrictions and Requirements Not Imposed Under Federal Law**

No element of the draft rule imposes either a restriction or a requirement on persons to whom the draft rule applies that is not imposed under federal law. Affected entities must comply with the federal rule, and IDEM does not propose to add more stringent requirements.

**Public Participation and Workgroup Information**

No workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Gayl Killough, Rules Development Section, Office of Air Quality at (317) 233-8628 or (800) 451-6021 (in Indiana).

**FINDINGS**

The commissioner of IDEM has prepared written findings regarding rulemaking on the incorporation by reference of the National Emission Standards for Hazardous Air Pollutants (NESHAPs) for hazardous air pollutants for stationary combustion engines; lime manufacturing plants; iron and steel foundries; integrated iron and steel manufacturing; and mercury cell chlor-alkali plants. These findings are prepared under IC 13-14-9-8 and are as follows:

- (1) The draft rule is the direct adoption of federal requirements that are applicable to Indiana and it contains no amendments that have a substantive effect on the scope or intended application of the

federal rule.

(2) Indiana is required by federal law and state law to adopt NESHAPs or adopt rules that are as stringent as the federal regulations.

(3) The citizens and regulated community of Indiana will benefit from prompt adoption of this rule because the state will have the legal authority to enforce these NESHAPs.

(4) I have determined that under the specific circumstances pertaining to this rule, there would be no benefit to the environment or to persons to be regulated or otherwise affected by this rule from the first and second public comment periods.

(5) The draft rule is hereby incorporated into these findings.

Lori F. Kaplan  
 Commissioner  
 Indiana Department of Environmental Management

**ADDITIONAL INFORMATION**

Additional information regarding this action may be obtained from Gayl Killough, Rule Development Section, Office of Air Quality (317) 233-8628 or (800) 451-6027 (in Indiana).

**DRAFT RULE**

SECTION 1. 326 IAC 20-90 IS ADDED TO READ AS FOLLOWS:

**Rule 90. Stationary Combustion Turbines**

**326 IAC 20-90-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.6085\* (69 FR 10537, March 5, 2004).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart YYYY\* (69 FR 10537, March 5, 2004, National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-90-1*)

SECTION 2. 326 IAC 20-91 IS ADDED TO READ AS FOLLOWS:

**Rule 91. Lime Manufacturing Plants**

**326 IAC 20-91-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.7081\* (69 FR 416, January 5, 2004).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart AAAA\* (69 FR 416, January 5 2004, National Emission Standards for Hazardous Air Pollutants for Lime Manufacturing Plants).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-91-1*)

SECTION 3. 326 IAC 20-92 IS ADDED TO READ AS FOLLOWS:

**Rule 92. Iron and Steel Foundries**

**326 IAC 20-92-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.7681\* (69 FR 21924, April 22, 2004).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart EEEEE\* (69 FR 21923, April 22, 2004, National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-92-1*)

SECTION 4. 326 IAC 20-93 IS ADDED TO READ AS FOLLOWS:

**Rule 93. Integrated Iron and Steel Manufacturing**

**326 IAC 20-93-1 Applicability; incorporation by reference of federal standards**

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
 Affected: IC 13-15; IC 13-17

Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.7781\* (68 FR 27663, May 20, 2003).

(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart FFFFF\* (68 FR 27663, May 20, 2003, National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities).

\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (*Air Pollution Control Board; 326 IAC 20-93-1*)

SECTION 5. 326 IAC 20-94 IS ADDED TO READ AS FOLLOWS:

**Rule 94. Mercury Cell Chlor-Alkali Plants**

**326 IAC 20-94-1 Applicability; incorporation by reference of federal standards**

## IC 13-14-9 Notices

Authority: IC 13-14-8; IC 13-17-3-4; IC 13-17-3-11  
Affected: IC 13-15; IC 13-17

**Sec. 1. (a) This rule applies to sources as provided in 40 CFR 63.8182\* (68 FR 70928, December 19, 2003).**

**(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart IIII\* (68 FR 70928, December 19, 2003, National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants).**

*\*This document is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center-North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204. (Air Pollution Control Board; 326 IAC 20-94-1)*

### Notice of First Meeting/Hearing

*Under IC 4-22-2-24, IC 13-14-8, and IC 13-14-9, notice is hereby given that on February 2, 2005, at 1:00 p.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Room A, Indianapolis, Indiana, the Air Pollution Control Board will hold a public hearing on new rules 326 IAC 20-90, 326 IAC 20-91, 326 IAC 20-92, 326 IAC 20-93, and 326 IAC 20-94.*

*The purpose of this hearing is to receive comments from the public prior to preliminary adoption of these rules by the board. All interested persons are invited and will be given reasonable opportunity to express their views concerning the proposed new rule. Oral statements will be heard, but, for the accuracy of the record, all comments should be submitted in writing.*

*Additional information regarding this action may be obtained from Gayl Killough, Rules Section, Office of Air Quality, (317) 233-8628 or (800) 451-6027 (in Indiana).*

*Individuals requiring reasonable accommodations for participation in this event should contact the Indiana Department of Environmental Management, Americans with Disabilities Act coordinator at:*

*Attn: ADA Coordinator  
Indiana Department of Environmental Management  
100 North Senate Avenue  
P.O. Box 6015  
Indianapolis, Indiana 46206-6015*

*or call (317) 233-0855, TDD: (317) 232-6565. Speech and hearing impaired callers may contact IDEM via the Indiana Relay Service at 1-800-743-3333. Please provide a minimum of 72 hours' notification.*

*Copies of these rules are now on file at the Office of Air Quality, Indiana Department of Environmental Management, Indiana Government Center-North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana and are open for public inspection.*

## TITLE 327 WATER POLLUTION CONTROL BOARD

### FIRST NOTICE OF COMMENT PERIOD #04-293(WPCB)

## DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING THE STATE REVOLVING FUND (SRF) LOAN PROGRAMS

### PURPOSE OF NOTICE

The Indiana Department of Environmental Management (IDEM) is soliciting public comment on amendments to rules 327 IAC 13, concerning the wastewater state revolving fund loan, and 327 IAC 14, concerning the drinking water state revolving fund loan programs. IDEM seeks comment on the affected citations listed and any other provisions of Title 327 that may be affected by this rulemaking.

**CITATIONS AFFECTED:** 327 IAC 13; 327 IAC 14.

**AUTHORITY:** IC 13-14-8; IC 13-14-9; IC 13-18-3; IC 13-18-13; IC 13-18-21.

### SUBJECT MATTER AND BASIC PURPOSE OF RULEMAKING

#### Basic Purpose and Background

The purpose of this rulemaking is to remove inconsistencies within 327 IAC 13 and 327 IAC 14, both internally and as they relate to each other. This rulemaking also will streamline the wastewater and the drinking water state revolving fund loan programs. This will make them more efficient and easier for participating entities to comply with, thus enabling additional wastewater and drinking water projects to be financed and constructed. This rulemaking will also serve to enable the refinancing of loans, which is not an option with the current rules but is expressly permitted by the federal Clean Water Act and Indiana Code.

The wastewater state revolving fund loan program was promulgated in April 1990 to implement the wastewater state revolving fund established by IC 13-18-13. It facilitates compliance with the state and federal water quality standards by providing low-cost financial assistance to construct necessary and environmentally sound treatment works. The fund is a self-sufficient funding program for the improvement and protection of water quality and public health and any other activity permitted by the Clean Water Act.

The drinking water state revolving fund loan program was promulgated in August 1998 to implement the drinking water state revolving fund established by IC 13-18-21. It provides funding for loans and other financial assistance for the planning, designing, construction, renovation, improvement, or expansion of public water systems to facilitate compliance with the national primary drinking water regulations under the federal Safe Drinking Water Act.

Any user or participant of a wastewater or drinking water utility is a potentially affected party to this rulemaking. Wastewater projects funded by the SRF loan program could include wastewater treatment plant improvements and upgrades, sewer line extensions to existing unsewered properties, combined sewer overflow corrections, and infiltration or inflow projects. Drinking water projects funded by the SRF loan program could include treatment plant improvements and upgrades, water line extensions to existing unserved properties, and water storage facilities.

#### Alternatives To Be Considered Within the Rulemaking

One alternative to this rulemaking would be to not amend the existing rules. This would leave in place easily corrected inconsistencies and inefficiencies. This rulemaking corrects inconsistencies within the two related Articles 13 and 14 and serves to simplify requirements for the entities. Therefore, the option of not making the amendments to this rulemaking would be detrimental. Another alternative would be to eliminate the state SRF loan program rules and simply operate under the federal rules. This would create a hardship on the affected parties since the state rules are tailored for Indiana's needs and provide guidance to the regulated entities.

**Applicable Federal Law**

Federal Water Pollution Control Act (Clean Water Act) of 1989, as amended in 1996.

Safe Drinking Water Act, as amended in 1986, 1988, and 1996.

National Environmental Policy Act of 1969, as amended in 1970, and 1975.

Civil Rights Act of 1964, as amended in 1972, 1978, and 1991.

Real Property and Acquisition Act of 1970, as amended in 1971, 1987, 1991, and 1997.

**Potential Fiscal Impact**

There are no added costs due to this rulemaking, in fact it will actually reduce some of the business costs for affected parties by reducing some of the requirements. These amendments will allow refinancing to occur so affected parties can take advantage of lowered interest rates.

**Public Participation and Workgroup Information**

At this time, no workgroup is planned for the rulemaking. If you feel that a workgroup or other informal discussion on the rule is appropriate, please contact Kiran Verma, Rules Section, Office of Water Quality at (317) 234-0986 or (800) 451-6027 (in Indiana).

**STATUTORY AND REGULATORY REQUIREMENTS**

IC 13-14-8-4 requires the board to consider the following factors in promulgating rules:

- (1) All existing physical conditions and the character of the area affected.
- (2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- (3) Zoning classifications.
- (4) The nature of the existing air quality or existing water quality, as the case may be.
- (5) Technical feasibility, including the quality conditions that could reasonably be achieved through coordinated control of all factors affecting the quality.
- (6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

**REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Mailed comments should be addressed to:

#04-293(WPCB) SRF Loan Programs Rulemaking

Larry Wu, Chief

Rules Section

Office of Water Quality

Indiana Department of Environmental Management

P.O. Box 6015

Indianapolis, Indiana 46206-6015.

Hand delivered comments will be accepted by the IDEM receptionist on duty at the 12th floor reception desk, Office of Water Quality, Indiana Government Center-North, 100 North Senate Avenue, Indianapolis, Indiana.

Comments may be submitted by facsimile at the IDEM fax number: (317) 232-8406, Monday through Friday, between 8:15 a.m. and 4:45 p.m. Please confirm the timely receipt of faxed comments by calling

the Rules Section at (317)233-8903.

**COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by December 30, 2004.

Technical information regarding this action may be obtained from Jim McGoff, SRF Loan Programs, (317) 234-2916, or (800) 451-6027 (in Indiana). Additional information regarding this action may be obtained from Kiran Verma, Rules Section, Office of Water Quality, (317) 234-0986 or (800) 451-6027 (in Indiana).

Tim Method

Deputy Commissioner

Indiana Department of Environmental Management

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## Nonrule Policy Documents

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DEPARTMENT OF STATE REVENUE  
COMMISSIONER'S DIRECTIVE #16  
December 2004

(Replaces Commissioner's Directive #16 dated May 1994)

**DISCLAIMER:** Commissioner's Directives are intended to provide nontechnical assistance to the general public. Every attempt is made to provide information that is consistent with the appropriate statutes, rules and court decisions. Any information that is not consistent with the law, regulations or court decisions is not binding on either the Department or the taxpayer. Therefore the information provided herein should serve only as a foundation for further investigation and study of the current law and procedures related to the subject matter covered herein.

**SUBJECT:** New or Replacement Tires on Vehicles

**REFERENCES:** IC 13-11-2-231; IC 13-11-2-245; and IC 13-20-13-7

### I. INTRODUCTION

The purpose of this Directive is to outline the procedures to be followed in collecting and remitting the tire fee enacted by HB 1427 of the 1993 Indiana General Assembly. The statute does not apply to the sale of used or retreaded tires.

### II. IMPOSITION OF FEE

There is a \$0.25 fee imposed on each new tire sold in Indiana for use on a motor vehicle, and types of equipment, machinery, implements or other devices used in transportation, manufacturing, agriculture, construction or mining. New tire means a tire that has never been mounted on the wheel of a vehicle.

The fee is also imposed on each new tire mounted on a vehicle at the time the vehicle is sold, and any spare tire that is included with the vehicle. Purchases by governmental units and nonprofit organizations **are not** exempt from the tire fee. The fee imposed shall be collected by the person selling the new tire to the ultimate consumer of the tire or vehicle. If an out-of-state seller is registered to collect and remit the sales and use tax, then the out-of-state seller is required to collect the fee.

### III. EXEMPTIONS

The fee is not imposed on tires used on lawn mowers and garden tractors that are propelled by motors with less than twenty (20) horsepower. The fee is not imposed on tires used on a semi trailer. The fee is not imposed on new tires mounted on a non self-propelled vehicle for personal use such as a boat trailer or a camper trailer. Tires purchased for resale without being mounted on a motor vehicle are exempt from the tire fee.

### IV. REMITTANCE OF THE FEE

The law requires the tire fee to be remitted at the same time and in the same manner as the sales tax. If a taxpayer is required to file by the 20<sup>th</sup> of the month through electronic funds transfer, the taxpayer is also required to remit the tire fee by the 20<sup>th</sup> of the month through electronic funds transfer.

The taxpayer that is remitting the tire fee is entitled to retain one percent (1%) of the amount collected as compensation for filing and remitting the fee.

In the past, the tire fee was calculated and remitted on the Form ST-103, or ST-103MP along with the sales tax. Passage and implementation of the Streamline Sales Tax Project requires that the tire fee be remitted on its own form.

The tire fee is to be remitted using Form TF-103, which is a new form to be used beginning with the January, 2005 collections remitted in February, 2005. This form is required to be filed with the remittance of the tire fee unless the payment is remitted through electronic funds transfer and then only a quarterly recap is required to be filed.

### V. USAGE OF THE FEES COLLECTED

Revenue from the tire fee is deposited in the waste tire management fund. All money deposited in the fund under this subdivision may be used by the Department of Environmental Management for waste reduction, recycling, removal, or remediation projects.

Kenneth L. Miller  
Commissioner

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DEPARTMENT OF STATE REVENUE  
Departmental Notice #2  
December 1, 2004  
Prepayment of Sales Tax on Gasoline

This document is not a "statement" required to be published in the Indiana Register under IC 4-22-7-7. However, under IC 6-2.5-7-14, the Department is required to publish the prepayment rate in the June and December issues of the Indiana Register. The purpose of this notice is to inform each refiner, terminal operator, and qualified distributor known to the Department to be required to collect prepayments of sales tax on gasoline of the "prepayment rate" effective for the next six-month period. A prepayment rate is calculated twice a year by the Department and is effective for the period January 1 through June 30, or, July 1 through December 31, as appropriate.

The prepayment rate is defined by IC 6-2.5-7-1 as the product of:

- 1) the statewide average retail price per gallon of gasoline (excluding the Indiana gasoline tax, the federal gasoline tax, and the Indiana gross retail tax); multiplied by
- 2) the state gross retail tax rate [6%]; multiplied by
- 3) ninety percent (90%); and then
- 4) rounded to the nearest one-tenth of one cent (\$0.001)

**The prepayment rate of sales tax on gasoline for the six – (6) month period beginning January 1, 2005, is seven and six-tenths cents (\$0.076) per gallon.**

Using the most recent retail price of gasoline available (as required by IC 6-2.5-7-14(b)), the Department has determined the statewide average retail price per gallon of gasoline to be one dollar and forty one and six tenths cents (\$1.416). The most recent retail price of gasoline available was based on data contained in the November 2004 Petroleum Marketing Monthly as published by the Energy Information Agency.

The prepayment rates for periods beginning July 1, 1994 are set out below:

<u>Period</u>	<u>Rate Per Gallon</u>
July 1, 1994 to December 31, 1994	2.9 cents
January 1, 1995 to June 30, 1995	3.7 cents
July 1, 1995 to December 31, 1995	3.3 cents
January 1, 1996 to June 30, 1996	3.3 cents
July 1, 1996 to December 31, 1996	3.4 cents
January 1, 1997 to June 30, 1997	4.0 cents
July 1, 1997 to December 31, 1997	3.9 cents
January 1, 1998 to June 30, 1998	4.0 cents
July 1, 1998 to December 31, 1998	2.9 cents
January 1, 1999 to June 30, 1999	3.0 cents
July 1, 1999 to December 31, 1999	2.4 cents
January 1, 2000 to June 30, 2000	3.6 cents
July 1, 2000 to December 31, 2000	4.6 cents
January 1, 2001 to June 30, 2001	4.9 cents
July 1, 2001 to December 31, 2001	4.9 cents
January 1, 2002 to June 30, 2002	4.9 cents
July 1, 2002 to December 31, 2002	3.2 cents
January 1, 2003 to June 30, 2003	5.3 cents
July 1, 2003 to December 31, 2003	6.6 cents
January 1, 2004 to June 30, 2004	6.5 cents
July 1, 2004 to December 31, 2004	6.6 cents
January 1, 2005 to June 30, 2005	7.6 cents

Indiana Department of State Revenue  
Kenneth L. Miller  
Commissioner

**DEPARTMENT OF STATE REVENUE**

**IN REGARDS TO THE MATTER OF:  
WESTWOOD COUNTRY CLUB OF SPEEDWAY, INC.  
A/K/A WESTWOOD RECREATION CLUB  
DOCKET NO. 29-2004-0108**

**AMENDED DEPARTMENTAL ORDER**

An administrative hearing was held on Tuesday, May 11, 2004 in the office of the Indiana Department of State Revenue, 100 N. Senate Avenue, Room N248, Indianapolis, Indiana 46204 before Bruce R. Kolb, Administrative Law Judge acting on behalf of and under the authority of the Commissioner of the Indiana Department of State Revenue.

Petitioner, Westwood Country Club of Speedway, Inc., was represented by William J. Wood of Wood, Tuohy, Gleason, Mercer, & Herrin, Bank One Center Tower, 111 Monument Circle, Suite 3400, P.O. Box 44942, Indianapolis, Indiana 46244-0942. Attorney

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## Nonrule Policy Documents

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Doug Klitzke appeared on behalf of the Indiana Department of State Revenue.

Petitioner was the subject of an investigation conducted on December 22, 2003 by the Criminal Investigation Division of the Indiana Department of Revenue. The Department issued a letter dated March 10, 2004, in which Petitioner's bingo license was suspended for two (2) years, and Petitioner was assessed civil penalties in the amount of seven thousand five hundred dollars (\$7,500). The Petitioner protested in a timely manner. A decision was rendered August 10, 2004.

Attorney Steven Lovern, 7255 West 10<sup>th</sup> Street, Indianapolis, Indiana 46214, filed an appearance with the Department on August 25, 2004.

Following due consideration of the entire record, the Administrative Law Judge's Proposed Departmental Order is hereby amended and should read as follows:

The Petitioner's appeal is denied in part and sustained in part. Petitioner's license to conduct charity gaming is suspended for two (2) years. The Petitioner is hereby liable for civil penalties in the amount of three thousand five hundred dollars (\$3,500).

1) Administrative review of this proposed decision may be obtained by filing, with the Commissioner of the Indiana Department of State Revenue, a written document identifying the basis for each objection within fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).

2) Judicial review of a final order may be sought under IC 4-21.5-5.

**THIS AMENDED DEPARTMENTAL ORDER SHALL BECOME THE FINAL ORDER OF THE INDIANA DEPARTMENT OF STATE REVENUE UNLESS OBJECTIONS ARE FILED WITHIN FIFTEEN (15) DAYS FROM THE DATE THE ORDER IS SERVED ON THE PETITIONER.**

Dated: \_\_\_\_\_

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Bruce R. Kolb / Administrative Law Judge

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### DEPARTMENT OF STATE REVENUE

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#### LETTER OF FINDINGS: 01-0319

#### Indiana Corporate Income Tax

#### For 1996 and 1997

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

#### ISSUES

##### **I. Denominator of the Sales Factor – Adjusted Gross Income Tax.**

**Authority:** IC 6-3-2-2(b); IC 6-3-2-2(b) to (n); IC 6-3-2-2(e); Sherwin-Williams Co. v. Indiana Dept. of State Revenue, 673 N.E.2d 849 (Ind. Tax Ct. 1996); 45 IAC 3.1-1-50(1); 45 IAC 3.1-1-50(5); 45 IAC 3.1-1-51; AT&T v Director, Division of Taxation, 476 A.2d 800 (N.J. Super. A.D. 1984).

Taxpayer argues that it correctly reported the denominator of its sale factor and that the Department of Revenue (Department) erred in reducing the denominator to reflect "sales everywhere" as reported on the taxpayer's corresponding federal return.

##### **II. Indiana Commodity Sales – Gross Income Tax.**

**Authority:** IC 6-8.1-5-1(a); IC 6-8.1-5-1(b); 45 IAC 1.1-2-1.

Taxpayer maintains that – in the absence of specific sales records to the contrary – the audit review overestimated the amount of Indiana commodity sales by applying an inventory turnover ratio of six.

#### STATEMENT OF FACTS

Taxpayer is an out-of-state company in the chemical manufacturing business. It is also a licensed commodity broker buying and selling base and precious metals. In addition, it also provides services to its customers related to its brokerage business.

During 1996 and 1997, taxpayer maintained an inventory of commodities within Indiana. Taxpayer sold some of these commodities to Indiana customers.

During 2001, the Department of Revenue (Department) conducted an audit review of taxpayer's state and federal tax returns. As a result of that audit review, the Department determined that taxpayer erred in reporting certain amounts of its income. The Department concluded that taxpayer owed additional Indiana corporate income tax. Taxpayer disagreed and submitted a protest to that effect. An administrative hearing was conducted during which taxpayer explained the basis for its protest. This Letter of Findings results.

#### DISCUSSION

##### **I. Denominator of the Sales Factor – Adjusted Gross Income Tax.**

On its federal return for 1996, taxpayer reported 6 billion dollars in total sales. On its 1997 federal return, taxpayer reported 7 billion dollars in total sales.

However, on taxpayer's 1996 Indiana return, taxpayer reported 10 billion dollars in total sales. On taxpayer's 1997 Indiana return, taxpayer reported 11 billion dollars in total sales.

As might be expected, the audit review noticed this apparent discrepancy and adjusted the Indiana returns to mirror taxpayer's federal returns.

Taxpayer questions the audit's decision stating that it correctly reported its 1996 and 1997 total sales on the original Indiana returns. Taxpayer explains the discrepancy between the federal and Indiana numbers as follows. According to taxpayer – for purposes of reporting its federal income – taxpayer reported its income from trading precious metals on an “earnings basis.” Specifically, it eliminated certain sales when it reported its 1996 and 1997 federal income. The sales that were eliminated were what it terms “non-industrial” sales of commodities. According to taxpayer's description, “non-industrial” sales occur when precious metal – such as gold – is sold for investment purposes. For example, taxpayer decides that it has an excess of gold on reserve and sells an amount of gold to another broker. In these “non-industrial” sales, the buyer does not obtain physical custody of the gold from taxpayer; taxpayer does not transfer physical custody of the gold to the buyer. Because of the high value of these precious metals and the security concerns related to storing or transporting the metals, the only thing which changes is the title to the gold.

The “non-industrial” sales are in contrast with the taxpayer's core business which is selling commodities to industrial customers. In those cases a buyer – such as a manufacturer of electronic components – purchases precious metal but takes physical possession of the metal because the metal is incorporated into the buyer's manufactured product.

In the case of “non-industrial” sales, taxpayer reports these amounts – for federal purposes – on a net basis because these particular sales “would have no impact on the computation of total income or taxable income for federal income tax purposes.”

The issue is whether the gross amount of these “non-industrial” sales should have been included in determining in the denominator of the sales factor for the purpose of determining its Indiana adjusted gross income.

For purposes of calculating their adjusted gross income tax liability, corporations subject to the apportionment provisions of IC 6-3-2-2(b) to (n) are required to apportion their income according to a three-factor formula. “[I]f business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, then the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by fraction, the numerator of which is the property factor plus the payroll factor, plus the sales factor, and denominator of which is three (3).” IC 6-3-2-2(b).

The portion of the three-factor calculation taxpayer now questions is the “sales factor” which is defined at IC 6-3-2-2(e) which states that, “The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year.”

The term “sales” is defined in the Department's regulation which states, “If the taxpayer's business activity consists of manufacturing and selling and purchasing and reselling goods or products, ‘sales’ includes all gross receipts of such goods or products... held by the taxpayer for sale in the ordinary course of business.” 45 IAC 3.1-1-50(1).

Thereafter, the taxpayer's sales income is reported in the “sales factor” as income received from sales attributable to Indiana or to sales everywhere. Taxpayer's argument stems from the amount which should or should not be included in the denominator of the sales factor – the amount attributable to sales everywhere.

45 IAC 3.1-1-51 states in part that, “The denominator of the sales factor includes all gross receipts from the taxpayer's sales...”

Taxpayer concludes that the denominator should include the gross amount of its “non-industrial” sales of precious metals which were eliminated for purposes of reporting its income on the federal returns. The audit found that the gross amount of these “non-industrial” sales should not be included in the denominator on the ground that including the gross amount of sales would “unfairly represent the Indiana sales factor because the commodities are not traded in this state.”

The issue is whether the gross amount of these non-industrial sales should be included in the denominator of the sales factor or whether the net amount of sales should be included in the denominator of the sales factor. It is taxpayer's contention that the gross amount should be included; it is the audit's contention that the net amount should be included.

When taxpayer makes a “non-industrial” sale, it is essentially entering into a contract agreement to sell precious metals at a fixed price. Presumably, this “fixed price” is for an amount greater than what it originally paid for those same precious metals.

The Indiana Tax Court has addressed the specific issue raised by taxpayer and held, “‘Gross Receipts’ for the purpose of the sales factor includes *only* the interest income and not the rolled over capital or return of principal realized from the sale of investment securities.” Sherwin-Williams Co. v. Indiana Dept. of State Revenue, 673 N.E.2d 849, 853 (Ind. Tax Ct. 1996) (*Emphasis added*). The Court found that “[P]rincipal included in the proceeds of sale or redemption of short term-investments is not includible in the receipts factor.” *Id.* at 852. In arriving at that conclusion, the Tax Court cited to AT&T v Director, Division of Taxation, 476 A.2d 800, 802 (N.J. Super. A.D. 1984) which – in addressing the same issue raised by taxpayer – stated that “To include such receipts in the factor would be comparable to measuring business activity by the amount of money that a taxpayer repeatedly deposited and withdrew from its own bank account” and that to hold “otherwise produces an absurd interpretation of [the relevant statute].” *Id.*

Taxpayer is attempting to measure its business activity by the gross amount of money it obtains from buying and selling contracts for precious metals such as gold. The actual quantity of precious metals in these non-industrial contract sales remains the same; taxpayer generates profits (or losses) by buying and selling a fixed amount of precious metal. In effect, taxpayer is buying and selling the same fungible commodity and then measuring its business activity by the amount of gross sales. In measuring the amount of return on these contracts, taxpayer wants to have the best of both worlds; it wants to exclude the turnover on principal for federal income tax purposes, but it wants to include that same amount for purposes of measuring its Indiana sales activity. The taxpayer's inconsistent proposal is inherently flawed and does not result in an accurate reflection of taxpayer's Indiana income. The Department concludes that to allow the taxpayer to measure its business activity – the amount of its sales – in this manner would not accurately reflect taxpayer's Indiana business activity and would not lead to an equitable apportionment of taxpayer's Indiana income. Taxpayer may not include the return on principal realized each time it sells these precious metal contracts because including both the principal and profit would distort the sales factor by giving extra weight to out-of-state sales. As stated in 45 IAC 3.1-1-50(5), "In some cases, certain gross receipts should be disregarded in determining the sales factor to effectuate an equitable apportionment."

**FINDING**

Taxpayer's protest is respectfully denied.

**II. Indiana Commodity Sales – Gross Income Tax.**

During 1996 and 1997, taxpayer maintained an inventory of commodities within Indiana. The audit confirmed that sales from this Indiana location were made to customers within Indiana. However, the taxpayer could not provide details of these Indiana sales. Finding that the money received from these sales was subject to Indiana gross income tax pursuant to 45 IAC 1.1-2-1, the audit prepared an estimate of the Indiana sales and assessed tax accordingly. The audit estimated the receipts by applying an inventory turnover ratio of 6 along with an estimated gross profit. The taxpayer challenged the methodology arguing that the turnover ratio of 6 "may not accurately reflect the proper taxable receipts related to the Indiana inventory." As an alternative, taxpayer proposes that an inventory turnover ratio of two be employed to more accurately reflect the taxpayer's gross income tax liability.

The Department is authorized to prepare an assessment of taxes in situations where the taxpayer has underestimated its tax liability. IC 6-8.1-5-1(a) states that, "If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the department." There is no question that taxpayer failed to report "the proper amount of tax due" because, despite the fact that it was selling commodities to Indiana customers from an Indiana location, it failed to report any of these sales for gross income tax purposes. Therefore, the audit was entirely justified in preparing a sales receipts estimate based upon the best information available.

Having prepared that estimate, it is taxpayer's responsibility to refute the estimated conclusion if it believes that the audit erred in its conclusion. "The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed is made." IC 6-8.1-5-1(b). Other than making an off-hand suggestion that it would prefer the Department employ an inventory ratio of 2, taxpayer has failed to meet its burden of demonstrating that the proposed assessment of gross income tax is erroneous. Taxpayer failed to provide the requested Indiana sales information at the time the audit report was prepared. In its initial protest of the assessment, taxpayer provided no information which would serve as a basis for challenging the assessment. Despite a specific request to do so, taxpayer failed to provide the detailed sales information following the hearing which would substantiate the basis for its challenge to the gross income tax assessment.

**FINDING**

Taxpayer's protest is respectfully denied.

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**DEPARTMENT OF STATE REVENUE**

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**LETTER OF FINDINGS NUMBER: 02-0237**

**Sales & Use Tax**

**For the Calendar years 1998, 1999, & 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

**II. Tax Administration - Interest**

**Authority:** IC 6-8.1-10-1

The taxpayer protests the interest assessment.

**STATEMENT OF FACTS**

The late penalty and interest were assessed on a Department audit covering the periods 1998, 1999, and 2000.

The taxpayer is a company located out-of-state.

**I. Tax Administration – Penalty**

**DISCUSSION**

The taxpayer requests the penalty be waived as the error was (1) unintentional, (2) the error was only 5%, and (3) the taxpayer has implemented a self-assessing use tax system since the audit.

With regard to the 5% error, the amount of the audit assessment was about \$200,000. The taxpayer remitted about \$90,000 in each year of the audit. This equates to a 40% error. The Department considers this error to be material.

With regard to the self-assessing use tax system, this system should be helpful to the taxpayer in the remittance of use tax in the future. However, with regard to the audit period in the instant case, the new use tax system was not in place, and therefore, is not a factor in the consideration of the waiver of penalty.

The regulation which provides the guideline for penalty is as follows:

45 IAC 15-11-2(b) states, “Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer’s carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.”

The Department finds the taxpayer was inattentive of tax duties. As inattention is negligence and subject to penalty, the Department finds the penalty proper and denies the penalty protest.

**FINDING**

The taxpayer’s penalty protest is denied.

**II. Tax Administration – Interest**

Interest may not be waived according to statute. IC 6-8.1-10-1.

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**DEPARTMENT OF STATE REVENUE**

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**LETTER OF FINDINGS NUMBER: 03-0015**

**SALES AND USE TAX**

**FOR TAX PERIODS: 1999-2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

**ISSUE**

**Sales and Use Tax: Manufacturing Exemptions**

**Authority:** IC 6-2.5-3-2 (a), IC 6-2.5-5-3, IC 6-2.5-5-5.1, 45 IAC 2.2-5-10 (c), 45 IAC 2.2-5-10 (h)(2), 45 IAC 2.2-5-12, *Indiana Department of Revenue v. Cave Stone*, 457 N.E. 2d 520, (Ind. 1983). *Rotation Products v. Indiana Department of State Revenue*, 690 N.E.2d 795, 803 (Ind. Tax. Ct. 1998).

The taxpayer protests the assessment of use tax on certain items of tangible personal property.

**STATEMENT OF FACTS**

The taxpayer is in the business of manufacturing, repairing, and sharpening saw blades. After an audit, the Indiana Department of Revenue, hereinafter referred to as the “department,” assessed additional sales and use tax, interest, and penalty. The taxpayer protested a portion of the assessment. At the taxpayer’s request, this Letter of Findings is based on the documentation in the file.

**Sales and Use Tax: Manufacturing Exemptions**

The taxpayer’s protest concerns its tax liability in the alleged rebuilding or remanufacturing of certain saw blades. The taxpayer’s first step in the process is removing all carbide teeth by torch. A plate is put on the Nitshushita Saw Grinder to grind in new gullets. These new gullets are programmed into the grinding machine computer according to the saw blade application. Proper wheel width is determined for the gullet and secured to the spindle. After gulleting, the taxpayer establishes a new seat pocket for

the new carbide tip. This is also completed on the computer controlled Nitshushita grinding machine. The seat pocket angle is determined by the application of the blade. This angle is programmed into the machine. The blade is then cleaned and is ready for brazing new carbide teeth. Next the plate is brushed with brazing flux. After determining size and grade of carbide tip, the tips are cleaned. Then the screws on the retipping table are adjusted to center tooth on the plate. The torch is lit and flame adjusted for the size of the carbide teeth. The teeth are placed into the new seat pocket. The torch is then brought to the tooth and brazes the tooth to the plate. After the complete brazing of the blade, it is left to cool. A shock test is done to several teeth to ensure proper brazing. After the cooling and shock test, the teeth are inspected for the proper setting of teeth in the seat pockets. The rim of the saw blade is then sand blasted on both sides and the teeth are reinspected. The blade is put on a dual side grinding machine to grind in a new radial and tangential clearance angle. These angles are programmed into the grinding machine and are determined by the application. After the width (Kerf) of the saw blade is established, the blade is ready for top grinding. The application determines what top and back clearance angles are programmed into the grinding machine. After the top grind is completed, the face grinding begins. The teeth are face ground parallel to the back of the seat pocket. This angle is programmed into the grinding machine. After the blade passes the final inspection, the blade is dipped into a protective plastic coating. The department's audit assessed use tax on many items used in this process. The taxpayer protested the assessment of use tax on the items it used in this process.

Pursuant to IC 6-2.5-3-2 (a), Indiana imposes an excise tax on tangible personal property stored, used, or consumed in Indiana. There is no exemption available for tangible personal property used in the provision of a service.

A number of exemptions are available from use tax, including those collectively referred to as the manufacturing exemptions. IC 6-2.5-5-3 provides for the exemption of "manufacturing machinery, tools and equipment which is to be directly used by the purchaser in the direct production, manufacture, fabrication... of tangible personal property." (the equipment exemption) In *Indiana Department of Revenue v. Cave Stone*, 457 N.E. 2d 520, (Ind. 1983) the Indiana Supreme Court found that a piece of equipment qualifies for the manufacturing exemption if it is essential and integral to the production process. 45 IAC 2.2-5-10 (c) describes manufacturing machinery and tools as exempt if they have an immediate effect on the property in production. 45 IAC 2.2-5-10 (h)(2) further clarifies the exemption by allowing the exemption of "Replacement parts, used to replace worn, broken, inoperative or missing parts or accessories on exempt machinery and equipment..." IC 6-2.5-5-5.1 provides for the exemption of tangible personal property "... if the person acquiring the property acquires it for the direct consumption as a material to be consumed in the direct production of other tangible personal property in the person's business of manufacturing..." (the consumption exemption) Pursuant to 45 IAC 2.2-5-12, consumption of tangible personal property in the direct production process means "dissipation or expenditure by combustion, use, or application..." of the tangible personal property in an "essential and integral part of an integrated process which produces tangible personal property."

Both the equipment and consumption manufacturing exemptions require that the subject item be used in a production process. The taxpayer contends that the protested items qualify for either the equipment or consumption exemption. The department assessed use tax on the protested items because the department determined that the items were used in the service of repairing saw blades rather than a true production process. The first issue to be determined here is whether the protested items were actually used in the provision of a service or in a production process as the taxpayer contends.

To support its contention that the taxpayer is actually remanufacturing the saw blades in a production process rather than providing a repair service, the taxpayer cites *Rotation Products v. Indiana Department of State Revenue*, 690 N.E.2d 795, 803 (Ind. Tax. Ct. 1998). In that case, Rotation Products Corporation successfully argued that it took raw materials in the form of unusable roller bearings and created an entirely new product, i.e., the remanufactured roller bearings. The Court found that this was a production process and not the provision of a service. To reach this conclusion, the Court instituted the following four-prong test to distinguish a production process from the provision of a service. First, a production process must be complex and substantial and produce a different end product. Secondly, the property must become more valuable in the process. Thirdly, the end product of the process must compare favorably with newly manufactured articles of its kind. Finally, the process must not be part of the normal life cycle of the original product.

First, like the taxpayer in *Rotation Products*, this taxpayer performs substantial and complex work and significantly changes the saw blades. When received, the blades are unusable and unable to be sharpened. They are in worse shape than a "blank" which is the raw material purchased for manufacturing. The previous recitation of the steps involved in the process indicate the substantial and complex changes the taxpayer makes in the saw blades.

Secondly, the property must become more valuable in the process. The taxpayer takes nonusable saw blades and transforms them into marketable saw blades. Before the remanufacturing process, there is no market for the saw blades except possibly as scrap metal. After the remanufacturing process, the saw blades are a functional and marketable product.

The taxpayer guarantees its customers that the processed saw blades are as good as and often better than a new saw blade. The blades receive all new carbide tips as in the accepted manufacturing process for new blades. The blades are also computer precision sharpened like new blades. Therefore, the performance of the new saw blade is as good as a new saw blade.

Finally, the taxpayer's processing of the saw blades is not part of such property's normal life cycle. In *Rotation Products*, the Court noted that even if the cleaning and polishing of bearings is routine maintenance that is a normal part of such bearings' lifecycle;

grinding bearing surfaces and replacing roller cages and elements are not. *Id.* at 803-04. Similarly, the taxpayer's replacement of the tips, angling of the tips, and computer grinding and sharpening is significantly more than the mere cleaning and sharpening in the normal lifecycle of a saw blade.

Since it has been determined that the taxpayer actually produces a marketable product in a production process, the second issue is to determine whether the protested items actually qualify for the equipment and consumption manufacturing exemptions. The taxpayer's explanations of the use of the items in the production process indicate that they qualify for either the equipment or consumption manufacturing exemption.

**FINDING**

The taxpayer's protest as to the equipment and materials used in the remanufacturing of saw blades is sustained.

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**DEPARTMENT OF STATE REVENUE**

04-20030095.LOF

**LETTER OF FINDINGS NUMBER: 03-0095**

**Sales/Use Tax**

**For the Years 1999-2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Sales and Use Tax-Prizes**

**Authority:** Ind. Code § 6-2.5-3-1; Ind. Code § 6-2.5-3-6; Ind. Code § 6-2.5-4-1; *Maurer v. Indiana Dept. of State Revenue*, 607 N.E.2d 985 (Ind. Tax 1993).

Taxpayer protests the assessment of use tax with respect to automobiles given away as part of a promotional giveaway.

**II. Sales and Use Tax-Out-of-State Mailings**

**Authority:** Ind. Code § 6-2.1-3-3.5; Ind. Code § 6-2.5-5-24.

Taxpayer protests the assessment of sales tax with respect to mailings Taxpayer claims were sent to out-of-state addresses.

**STATEMENT OF FACTS**

Taxpayer is a company that operates a riverboat casino in Indiana. Periodically, Taxpayer engaged in prize giveaways of automobiles and boats to customers. The nature of the giveaways would work in this manner: a contestant would enter a sweepstakes held by the Taxpayer for a car to be provided by an automobile or boat dealer. Taxpayer would display the automobile at its casino during the contest period; however, the dealer would be responsible for insuring the automobile. If the contestant was the winner of the drawing, Taxpayer would pay the dealer that provided the prize the fair market value of the prize. The contestant would go to the dealer and the car would be handed over to the contestant, who would be responsible under the terms of the contest for all applicable taxes and registration of the automobile or boat.

Taxpayer was audited by the Department for sales tax. As a result of the audit, Taxpayer was assessed use tax, based on the theory that it used the automobiles or boats in Indiana as part of its giveaway as part of its business. Taxpayer was also assessed sales and use tax on flyers, a portion of which Taxpayer maintained was sent outside Indiana. Taxpayer has protested the assessment, and separately filed a claim for refund with respect to unrelated issues not discussed in this Letter of Findings.

**I. Sales and Use Tax-Prizes**

**DISCUSSION**

Taxpayer argues that it is not subject to sales and use tax because it does not use the automobiles or boats in Indiana, and because it never owned the automobiles or boats. Taxpayer argues that the relevant transaction is actually a transaction between the winning contestant and the car or boat dealer, and that this transaction is the one that should result in the imposition of sales and use tax as appropriate. Taxpayer further provides copies of contracts with car dealers to buttress its claim, with the relevant conditions stated above.

With respect to the issue of sales tax for the automobiles and boats that were part of its prize giveaways, the case of *Maurer v. Indiana Dept. of State Revenue*, 607 N.E.2d 985 (Ind. Tax 1993) is directly on point. In that case, a charity raffle was held for an automobile. Under the contract between the charity and the automobile dealer, the charity was to pay the fair market value of the automobile to the dealer. *Id.* at 988. Taxpayer went to dealer to get the car; however, the dealer refused to issue the car until the taxpayer paid the sales tax on the automobile. *Id.* Taxpayer paid the tax, filed a claim for refund which was denied by the Department, and appealed. The Tax Court held that the title of the car transferred from the dealer to the charity, and that this constituted the retail transaction subject to tax (but for the charity's exemption from taxation). *Id.* Thus, the transaction between dealer and taxpayer was

not a retail transaction. Further, the Tax Court held that the transaction between the taxpayer and the charity was one of a raffle ticket, and not one for an automobile, thus allowing taxpayer's refund for sales tax. *Id.* at 989. Finally, the court held that the taxpayer was not subject to use tax because the car was not acquired in a retail transaction. *Id.* at 990.

In this case, almost exactly the same fact situation arose as the one in *Maurer*. The only difference in this case is that Taxpayer in the current case is not an exempt entity. The effective result of the drawing was a retail transaction between the car or boat dealer and Taxpayer, followed by a transfer to the winning contestant, even though Taxpayer never had registered title in its name. *Id.* at 988. Accordingly, Taxpayer and the automobile or boat dealer engaged in a transaction subject to sales and use tax. Ind. Code § 6-2.5-3-2(a) (occasional sales); Ind. Code § 6-2.5-4-1(b) (retail transactions). Further, by giving the automobile away at its Indiana casino, Taxpayer has exercised a right or power of ownership- used, within the statutory meaning- the product in Indiana, regardless of the ultimate location to which the winning contestant ultimately takes the automobile or boat and regardless of Taxpayer's status as a listed owner on the automobile or boat title. Ind. Code § 6-2.5-3-1(a).

Taxpayer raised the issue that audit's logic seemed to apply use tax only to situations where the winner was a non-resident. After a review of relevant case law, the sales/use tax liability is that of the current taxpayer in all circumstances, not that of the winner, contractual terms notwithstanding.

**FINDING**

Taxpayer's protest is denied.

**II. Sales and Use Tax-Out-of-State Mailings**

Taxpayer also had protested the sales tax imposed with respect to direct mailings sent to addresses outside Indiana. Audit subsequently determined that 51.6 percent of its mailings were tax exempt per Ind. Code § 6-2.5-5-24 and Ind. Code § 6-2.1-3-3.5. Taxpayer has indicated that it accepts this finding.

**FINDING**

Taxpayer's protest is sustained in part and denied in part.

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**DEPARTMENT OF STATE REVENUE**

0320030188.LOF

**LETTER OF FINDINGS NUMBER: 03-0188**

**Withholding Tax**

**For the Years 1998-2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Withholding Tax - Imposition**

**Authority:** IC 6-8.1-5-1(b), IC 6-3-4-8(a).

The taxpayer protests the assessment of withholding tax.

**STATEMENT OF FACTS**

The taxpayer is a corporation that operated a pharmacy in Indiana. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional withholding tax, interest, and penalty for the years 1998-2001. The taxpayer protested the imposition of withholding tax and a hearing was held. This Letter of Findings results.

**I. Withholding Tax - Imposition**

**DISCUSSION**

All tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

The taxpayer was required to withhold employee income taxes and remit those taxes to Indiana pursuant to the provisions of IC 6-3-4-8 (a) in pertinent part as follows:

... every employer making payments of wages subject to tax under IC 6-3, regardless of the place where such payment is made, who is required under the provisions of the Internal Revenue Code to withhold, collect, and pay over income tax on wages paid by such employer to such employee, shall, at the time of payment of such wages, deduct and retain therefrom the amount prescribed in withholding instructions issued by the department... Such employer making payments of any wages:

- (1) shall be liable to the state of Indiana for the payment of the tax required to be deducted and withheld...
- (2) shall make return of and payment to the department monthly of the amount of tax which under IC 6-3 and IC 6-3.5 he is required to withhold.

The taxpayer offers two explanations for why it did not submit withholding taxes to the state. In its original protest letter, the taxpayer argued that all withholding taxes on taxpayer's pharmacy were remitted to the state through a related business. In support of this contention, the taxpayer submitted documentation indicating that a payroll payment service remitted withholding taxes on employees of the related business. There was, however, nothing to substantiate that the wages were paid, withheld on, and remitted to the state for employees of the taxpayer rather than the related business. This argument is not persuasive.

Alternatively, the taxpayer argues that it had no employees. The taxpayer stated that the president of the company staffed the pharmacy during open hours without taking a salary. This explanation is not rational. The president offered evidence that he drove to Chicago quite frequently to obtain stock for the related business. Therefore, the pharmacy would have had to have been closed during the periods that the corporation president was traveling to Chicago. The argument that the taxpayer had no paid employees is also not persuasive.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420030203.LOF

**LETTER OF FINDINGS NUMBER: 03-0203**

**Sales and Use Tax**

**For the Years 1999-2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES**

**I. Sales and Use Tax - Imposition and Remittance of Sales Tax**

**Authority:** IC 6-8.1-5-1 (b), IC 6-2.5-2-1(a), IC 6-2.5-4-1(b), IC 6-2.5-2-1(b).

The taxpayer protests the imposition of additional sales tax.

**II. Tax Administration - Penalty**

**Authority:** IC 6-8.1-10-2.1, 45 IAC 15-11-2 (b)

The taxpayer protests the imposition of the negligence penalty.

**STATEMENT OF FACTS**

The taxpayer is in the business of selling and leasing new and used vehicles, parts, and accessories. The taxpayer also repairs vehicles and operates a body shop. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales tax, use tax, interest, and penalty for the years 1999 – 2000. The taxpayer protested a portion of the sales tax assessment and the penalty and a hearing was held. This Letter of Findings results.

**I. Sales and Use Tax - Imposition and Remittance of Sales Tax**

**DISCUSSION**

All tax assessments are presumed to be accurate and the taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

Retail transactions made in Indiana are subject to sales tax. IC 6-2.5-2-1(a). A retail transaction is defined generally as the acquiring and subsequent selling of tangible personal property. IC 6-2.5-4-1(b). The retail merchant is charged with the duty of collecting the tax from the purchasers and remitting the collected tax to the state. IC 6-2.5-2-1(b). There is agreement that the taxpayer sold vehicles in retail sales that were subject to the sales tax. There is also agreement that the taxpayer had the duty to collect and remit sales taxes on those sales.

The taxpayer argued that the department failed to give the taxpayer credit for all of the sales tax it collected. The taxpayer based this contention on work papers included in the audit. In these work papers, there were no figures in the column concerning tax collected by the taxpayer for some of the sales. The taxpayer presented invoices indicating that sales tax was actually collected for each of these blanks. The taxpayer contends that the department did not give it credit for collecting those sales taxes.

The taxpayer errs in its conclusion that it was not given credit for all sales taxes collected. The amount of sales tax due was not calculated from the work papers cited by the taxpayer. The department's auditor reviewed all the taxpayer's sales invoices. From this information, the auditor tallied the amount of sales tax collected. Then the auditor compared the monthly sales taxes collected according to the invoices to the monthly sales tax returns filed by the taxpayer. Since the auditor was unable to balance the taxpayer's invoices to the returns on a monthly basis, the auditor attempted to reconcile them on an annual basis. The auditor then compared the annual collections to the annual returns and remittances. In both 1999 and 2000 there were discrepancies between the amounts

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## Nonrule Policy Documents

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of sales tax actually collected per the taxpayer's invoices and the taxpayer's returns and accompanying payments to the state. In each of these years, the taxpayer collected more sales taxes than it reported and remitted to the state. The department correctly assessed the difference between sales taxes collected and sales taxes remitted to the state.

### FINDING

The taxpayer's protest is denied.

### II. Tax Administration - Negligence Penalty

#### DISCUSSION

The taxpayer also protested the imposition of the ten per cent negligence penalty pursuant to IC 6-8.1-10-2.1. Indiana Regulation 45 IAC 15-11-2 (b) clarifies the standard for the imposition of the negligence penalty as follows:

Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

The taxpayer had a duty to remit all the sales taxes collected. The taxpayer also had a duty to pay use tax on the use of clearly taxable items such as shirts, key chains, fleeces, hats, ties, and vests when no sales tax was paid at the time of purchase. The taxpayer's carelessness and inattention to detail caused it to fail to remit all sales taxes collected and pay the use tax on the use of many items when no sales tax was paid at the time of purchase. These breaches of the taxpayer's duties constitute negligence.

### FINDING

The taxpayer's protest is denied.

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## DEPARTMENT OF STATE REVENUE

0420030244.LOF

### LETTER OF FINDINGS NUMBER: 03-0244

#### Sales and Use Tax

#### For the Years 1998-2001

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUES

#### I. Sales and Use Tax-Computation

**Authority:** IC 6-8.1-5-1 (b)

The taxpayer protests the computation of sales tax due.

#### II. Tax Administration-Penalty

**Authority:** IC 6-8.1-10-3, 6-8.1-10-3.

The taxpayer protests the imposition of the twenty percent (20%) penalty.

#### III. Tax Administration-Interest

**Authority:** IC 6-8.1-10-1(a),(e).

The taxpayer protests the imposition of interest.

### STATEMENT OF FACTS

The taxpayer is a corporation that operated a pharmacy in Indiana. After an audit, the Indiana Department of Revenue, hereinafter referred to as the "department," assessed additional sales tax, interest, and penalty for the years 1998-2001. The taxpayer protested the imposition of sales tax, penalty, and interest. A hearing was held. This Letter of Findings results.

#### I. Sales and Use Tax-Calculation

#### DISCUSSION

The sales tax due was calculated from the best information available. The auditor applied percentages determined from a research guide to the taxpayer's gross sales to calculate the sales tax due. The taxpayer protests this assessment of sales tax.

All tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b).

The taxpayer contends that it was not necessary to reconstruct the tax in this manner since it provided adequate records. The taxpayer did provide some books and records to the auditor. These records produced, however, were for a related business. Later

the taxpayer provided the department with certain books and records. There were twelve (12) boxes of books and records that were not organized in any discernable fashion. The documents provided were not in a consistent form or verifiable. The register sales tapes were loose and could not be matched to any other records. The daily records of sales did not match the monthly totals of sales. The monthly totals of sales did not tie in appropriately to the annual sales records as asserted by the taxpayer. There were no exemption certificates, verifiable actual ledgers, or verifiable journals. There was no way to tie together the information provided by the taxpayer and use it to reconstruct the taxpayer's sales tax returns.

**FINDING**

The taxpayer's protest is denied.

**II. Tax Administration-Penalty**

**DISCUSSION**

The taxpayer protests the imposition of the twenty percent (20%) penalty pursuant to IC 6-8.1-10-3 as follows:

(a) If a person fails to file a return on or before the due date... the department may prepare a return for him, based on the best information available to the department. The department prepared return is prima facie correct.

(b) If the department prepares a person's return under this section, the person is subject to a penalty of twenty percent (20%) of the unpaid tax. In the absence of fraud, the penalty imposed under this section is in place of and not in addition to the penalties imposed under any other section.

The taxpayer contends that it made at least seven payments during the audit period. The department is unable to find any evidence that it ever received the returns and accompanying payments. The taxpayer also contends that it filed an amount due in its bankruptcy filing. That is not, however, the periodic filing required by the statute.

The taxpayer did not file sales and use tax returns as required. The state auditor prepared the taxpayer's sales tax returns. Under these circumstances, the twenty percent (20%) penalty is appropriate.

**FINDING**

The taxpayer's protest is denied.

**III. Tax Administration-Interest**

**DISCUSSION**

The taxpayer protests the imposition of interest pursuant to IC 6-8.1-10-1(a) as follows:

If a person fails to file a return for any of the listed taxes, fails to pay the full amount of tax shown on his return by the due date for the return or the payment, or incurs a deficiency upon a determination by the department, the person is subject to interest on the nonpayment.

The taxpayer did not pay the full amount of tax due. Therefore, interest was properly imposed. IC 6-8.1-10-1(e) goes on to state that "the department may not waive the interest imposed under this statute." Clearly, the department does not have the authority to grant the taxpayer's request for waiver of interest.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

03-20030260.LOF

**LETTER OF FINDINGS NUMBER: 03-0260**

**Withholding Tax  
Responsible Officer  
or the Tax Period 1991-1992**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**1. Withholding Tax-Responsible Officer Liability**

**Authority:** IC 6-3-4-8(f), IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan 654 N.E. 2<sup>nd</sup> 279 (Ind.1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

**STATEMENT OF FACTS**

The taxpayer was the President of a corporation that did not properly remit withholding taxes to the state during the tax period 1991-1992. The Indiana Department of Revenue, hereinafter referred to as the "department," assessed the unpaid withholding taxes, interest, and penalty against the taxpayer as a responsible officer of that corporation. The taxpayer protested the assessment of tax.

A hearing was held and this Letter of Findings results.

**1. Sales and Use Tax-Responsible Officer Liability**

**DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed withholding taxes were assessed against Taxpayer pursuant to IC 6-3-4-8(f), which provides that “In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest.”

Pursuant to Indiana Department of Revenue v. Safayan 654 N.E. 2<sup>nd</sup> 279 (Ind.1995) any officer, employee, or other person who has the authority to see that they are paid has the statutory duty to remit sales and withholding taxes to the state. As the President of the corporation, the taxpayer had the responsibility to oversee the corporation. The taxpayer failed to insure that the corporation fulfilled its financial responsibilities by remitting trust taxes to the Indiana Department of Revenue. Therefore, the taxpayer had the statutory duty to remit the sales taxes and is personally liable for the payment of those taxes.

**FINDING**

The taxpayer’s protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0420030309.LOF

**LETTER OF FINDINGS: 03-0309**

**Indiana Gross Retail Tax**

**For the Years 1999 and 2000**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department’s official position concerning a specific issue.

**ISSUES**

**I. Use Tax Exemption – Shipping Blocks.**

**Authority:** IC 6-2.5-5-9(d); 45 IAC 2.2-5-16; 45 IAC 2.2-5-16(a); 45 IAC 2.2-5-16(c)(1); 45 IAC 2.2-5-16(d)(1).

Taxpayer argues that it was not required to pay sales tax when it purchased shipping blocks (“chocks”) on the ground that the chocks are “wrapping materials” exempt from taxation.

**II. Abatement of the Ten - Percent Negligence Penalty**

**Authority:** IC 6-8.1-10-2.1; IC 6-8.1-10-2.1(d); 45 IAC 15-11-2(b); 45 IAC 15-11-2(c)(1);

Taxpayer asks that the Department of Revenue (Department) exercise its discretion to abate the ten-percent negligence penalty assessed following completion of the original audit review.

**STATEMENT OF FACTS**

Taxpayer is an out-of-state company in the business of developing, manufacturing, marketing, and distributing copper, aluminum, and fiber optic cable. Taxpayer operates out of various locations including locations within Indiana. Taxpayer’s products are sold to and used by the communications, energy, industrial, and specialty markets.

The Department conducted an audit review of taxpayer’s business and tax records. As a result of that audit, the Department determined that taxpayer owed additional gross retail (use) taxes. Accordingly, the Department sent taxpayer notices of “proposed assessment” which included the additional amount of tax and imposition of the ten-percent negligence penalty. Taxpayer disagreed with the audit results and submitted a protest to that effect. An administrative hearing was conducted during which taxpayer’s representative further explained the basis for the protest. This Letter of Findings results.

**DISCUSSION**

**I. Use Tax Exemption – Shipping Blocks.**

Taxpayer bought wooden blocks without paying sales tax. When the audit division reviewed taxpayer’s records, it decided that taxpayer should have paid sales tax on these purchases. Accordingly, the audit assessed use tax on the purchases on the ground that the purchase of the blocks was not exempt from sales tax.

When taxpayer ships its cable products to customers, the cables are wound on steel or wooden reels. Depending on the nature of the cable, the reels may be wrapped in bubble-wrap or shrink-wrap. When the reels are loaded for transport to the customer, taxpayer fastens these wooden, wedge-shaped blocks to the outer rim of each reel. The wedge-shaped blocks serve to keep the reels from moving during shipment. After the reels are delivered to the customer, the blocks are removed by the customer and discarded; the blocks are not reused, and the blocks are not returned to taxpayer.

Taxpayer argues that these blocks are exempt for sales/use tax pursuant to IC 6-2.5-5-9(d) which states:

Sales of wrapping material and empty containers are exempt from the state gross retail tax if the person acquiring the materials or containers acquires them for use as nonreturnable packages for selling the contents that he adds.

The Department's regulation, 45 IAC 2.2-5-16, interprets the extent of the exemption set out in IC 6-2.5-5-9(d). The regulation states that, "The state gross retail tax shall not apply to sales of nonreturnable wrapping materials and empty containers to be used by the purchaser as enclosures or containers for selling contents to be added, and returnable containers containing contents sold in a sale constituting selling at retail and returnable containers sold empty for refilling." 45 IAC 2.2-5-16(a). Under this regulation, "Nonreturnable containers and wrapping materials [include] steel strap and shipping pallets to be used by the purchaser as enclosures for selling tangible personal property." 45 IAC 2.2-5-16(c)(1). In order to qualify for the exemption as a nonreturnable container or wrapping material, "The purchaser must add contents to the containers purchased; and the purchaser must sell the contents added." 45 IAC 2.2-5-16(d)(1).

It is clear that the wooden blocks are not returned to taxpayer and are, therefore, "nonreturnable." It is also clear that the wooden blocks are associated with sales of taxpayer's cable in transactions which constitute "selling at retail." Based on taxpayer's description, it is clear that the wooden blocks are a necessary – if not essential – aid in shipping the reels of cable. However, the blocks are not exempt from the state's gross retail tax because taxpayer does not "add contents to the containers purchased." IC 6-2.5-5-9(d) permits an exemption for nonreturnable items to which the taxpayer adds "contents." Taxpayer's blocks are used to facilitate the shipping of the reels, but they are not "enclosures or containers" into which taxpayers adds its product.

**FINDING**

Taxpayer's protest is respectfully denied.

**II. Abatement of the Ten-Percent Negligence Penalty**

The audit imposed a ten-percent negligence penalty presumably on the ground that taxpayer failed to pay sales tax on certain taxable transactions and, thereafter, failed to self-assess use tax. Taxpayer argues that the negligence penalty is inappropriate because, although it admittedly failed to self-assess use tax on a number of taxable purchases, given the scope of taxpayer's multi-state business operations, the number of transactions it enters into each year, and the comparatively small number of transactions which the audit found were taxable, it did not act in a negligent manner.

IC 6-8.1-10-2.1 requires that a ten-percent penalty be imposed if the tax deficiency results from the taxpayer's negligence. Departmental regulation 45 IAC 15-11-2(b) defines negligence as "the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer." Negligence is to "be determined on a case-by-case basis according to the facts and circumstances of each taxpayer." *Id.*

IC 6-8.1-10-2.1(d) allows the Department to waive the penalty upon a showing that the failure to pay the deficiency was based on "reasonable cause and not due to willful neglect." Departmental regulation 45 IAC 15-11-2(c) requires that in order to establish "reasonable cause," the taxpayer must demonstrate that it "exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed...."

Without excusing the taxpayer's initial failure to appropriately self-assess use taxes on all of its 1999 and 2000 transactions, the Department concludes that taxpayer's failure to exercise "ordinary business care" in neglecting to self-assess use tax on a limited number of transactions, does not necessitate imposition of the negligence penalty. The penalty should be abated in its entirety.

**FINDING**

Taxpayer's protest is sustained.

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**DEPARTMENT OF STATE REVENUE**

0420030313.LOF

**LETTER OF FINDINGS NUMBER: 03-0313**

**Sales and Use Tax**

**For the Years 1998-2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Sales and Use Tax-Calling Cards**

**Authority:** IC 6-8.1-5-1 (b), IC 6-2.5-4-13.

The taxpayer protests the imposition of sales tax on calling cards.

**STATEMENT OF FACTS**

The taxpayer is an Indiana citizen doing business as an oriental grocery store. After an audit, the Indiana Department of

Revenue, hereinafter referred to as the “department,” assessed additional sales tax, interest, and penalty for the years 1998-2001. The taxpayer protested the imposition of sales tax and a hearing was held. This Letter of Findings results.

**I. Sales and Use Tax-Calling Cards****DISCUSSION**

The taxpayer sold prepaid phone cards. IC 6-2.5-4-13 imposes sales tax on prepaid telephone calling cards. The taxpayer protests this assessment of sales tax on the calling cards for two reasons. First the taxpayer argues that many of the cards were voice over internet calling cards and not taxable as a typical calling card. Secondly, the taxpayer argues that the tax on the calling cards was computed incorrectly.

The taxpayer sold voice over internet calling cards for specific dollar amounts. These cards cost less than the typical phone calling card. The taxpayer contends that these cards were not taxable calling cards. The taxpayer errs in this conclusion. Customers purchased a card so they could use telephones to call persons in other locations for a predetermined number of minutes. This amounts to a telephone calling card subject to the Indiana sales tax.

The taxpayer also protests the method of calculating the tax due on the calling cards. The auditor calculated the sales tax due by accumulating the cost of the phone cards purchased by the taxpayer. The retail value was determined by multiplying the number of cards bought by the retail price of each card group. The wholesale price was divided into the retail value to determine the mark up of the cards. Where information was not available and only the wholesale value was known, the average markup was used to calculate the retail price for sales tax purposes.

All tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b). The taxpayer did not provide adequate verifiable documentation to refute this computation. Therefore, the sales tax due on the calling cards was computed in an appropriate manner.

**FINDING**

The taxpayer’s protest is denied.

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**DEPARTMENT OF STATE REVENUE**

0120030434.LOF

**LETTER OF FINDINGS NUMBER: 03-0434****Adjusted Gross Income Tax  
For the Years 1998-2001**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department’s official position concerning a specific issue.

**ISSUE****I. Adjusted Gross Income Tax-Calculation of Income**

**Authority:** IC 6-8.1-5-1 (b).

The taxpayer protests the calculation of his gross income.

**II. Adjusted Gross Income Tax-Mileage Deduction**

**Authority:** IC 6-8.1-5-1 (b).

The taxpayer protests the disallowance of the mileage deduction.

**STATEMENT OF FACTS**

The taxpayer is an Indiana resident doing business as an oriental grocery store in Indiana. After an investigation, the Indiana Department of Revenue, hereinafter referred to as the “department,” assessed additional adjusted gross income tax, interest, and penalty for the years 1998-2001. The taxpayer protested the imposition of the adjusted gross income tax and a hearing was held. This Letter of Findings results.

**I. Adjusted Gross Income Tax-Calculation of Income****DISCUSSION**

The taxpayer is a sole proprietor who operated an oriental grocery store. He reported the income from the business on his schedule C. The taxpayer did not have accurate records to substantiate his schedule C filings. Therefore, the auditor had to reconstruct the taxpayer’s income and expenses to arrive at the correct adjusted gross income tax liability. The taxpayer protests this reconstruction.

The auditor considered several factors in reconstructing the taxpayer’s income. The taxpayer’s filings indicate an average profit margin for the four years of only 3.8%. The industry average for grocery stores in the taxpayer’s category is 25%. The taxpayer’s sales were underreported based on the purchases made by the taxpayer. The taxpayer’s income on food and other purchases was

adjusted to reflect profit margins in line with the industry averages. The taxpayer's invoices listed the cost and retail price for most of the prepaid calling cards. Upon examination of the various phone card vendors, an average was calculated and used for the phone card invoices that could not be found. The auditor used a reasonable and appropriate method of reconstructing the taxpayer's income.

All tax assessments are presumed to be accurate. The taxpayer bears the burden of proving that any assessment is incorrect. IC 6-8.1-5-1 (b). The taxpayer was unable to submit adequate verifiable documentation to sustain its burden of proving that the reconstructed income was inaccurate.

**FINDING**

The taxpayer's protest is denied.

**II. Adjusted Gross Income Tax-Mileage Deduction**

**DISCUSSION**

The taxpayer purchased a new car in 1996 or 1997 on which he put 178,000 miles in four years. The taxpayer argued that all the miles were business related and properly deducted from the grocery store's gross income. The auditor disallowed the taxpayer's listed mileage deductions and gave a mileage deduction based upon industry standards. The taxpayer protested the disallowance of the total mileage deduction.

The taxpayer presented a travel log and testified that the car was used to go to the bank, post office, drug stores, utility offices, convenience stores, department stores, grocery stores, hardware stores, office supply stores, restaurants, West Lafayette, and Chicago at least one time per week. It is irrational to assume that all of these trips were directly related to the business of the taxpayer's grocery store. Since there was no further information to determine which trips qualify for a business mileage deduction, the auditor made an appropriate estimate. The proposed assessment is presumed correct unless the taxpayer offers substantial, verifiable documentation refuting that presumption. IC 6-8.1-5-1 (b). The taxpayer did not meet that standard.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

03-20040020.LOF

**LETTER OF FINDINGS NUMBER: 04-0020**

**Withholding Tax**

**Responsible Officer**

**For the Years 2001-2002**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES**

**I. Withholding Tax-Responsible Officer Liability**

**Authority:** IC 6-3-4-8(f), IC 6-8.1-5-1(b), Indiana Department of Revenue v. Safayan, 654 N.E.2<sup>nd</sup> 270 (Ind. 1995).

The taxpayer protests the assessment of responsible officer liability for unpaid corporate withholding taxes.

**STATEMENT OF FACTS**

Taxpayer was a fifty percent shareholder in a corporation in which Taxpayer worked as an outside salesman. During the period ending in September 2001, Taxpayer's spouse handled bookkeeping and payroll for the corporation, with Taxpayer signing the relevant checks. Beginning in October 2001, Taxpayer did not sign any checks with the exception of his own payroll check and one other check. However, withholding taxes were not remitted to the Department for a period of several months, which resulted in an assessment against Taxpayer as a responsible officer of the corporation. Taxpayer protested the assessment, and a hearing was held.

**I. Withholding Tax-Responsible Officer Liability**

**DISCUSSION**

Indiana Department of Revenue assessments are prima facie evidence that the taxes are owed by the taxpayer who has the burden of proving that the assessment is incorrect. IC 6-8-1-5-1(b).

The proposed withholding taxes were assessed against Taxpayer pursuant to IC 6-3-4-8(f), which provides that "In the case of a corporate or partnership employer, every officer, employee, or member of such employer, who, as such officer, employee, or member is under a duty to deduct and remit such taxes shall be personally liable for such taxes, penalties, and interest."

Pursuant to Indiana Department of Revenue v. Safayan, 654 N.E. 2<sup>nd</sup> 270 (Ind. 1995) at page 273: "The statutory duty to remit trust taxes falls on any officer or employee who has the authority to see that they are paid." The factors considered to determine

whether a person has such authority are the following:

1. The person's position within the power structure of the corporation;
2. The authority of the officer as established by the Articles of Incorporation, By-laws or employment contract; and
3. Whether the person actually exercised control over the finances of the business including control of the bank account, signing checks and tax returns or determining when and in what order to pay creditors.

With respect to the first aspect, Taxpayer was a fifty-percent owner of the company, and was listed as the secretary of the corporation in Secretary of State filings. With respect to the second aspect, the file and Taxpayer are silent. With respect to the third aspect, Taxpayer was still a signatory to the corporation's bank accounts until at least April 2002, even though the only checks signed by Taxpayer were his own payroll checks. Taxpayer still had the authority to write checks and provide for payments by the corporation of its liabilities, even if the corporation had actual control over the physical checks. Taxpayer had the opportunity to pay the relevant taxes from the corporation's accounts, but did not do so. Accordingly, Taxpayer is personally responsible for the taxes in question.

Taxpayer has provided an affidavit with respect to the situation. However, Taxpayer's affidavit does not provide sufficient information to conclude that Taxpayer lacked the ability to make corporate withholding tax payments at the time of the liabilities at issue.

**FINDING**

The taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

01-20040023.LOF

**LETTER OF FINDINGS NUMBER: 04-0023**

**ADJUSTED GROSS INCOME TAX**

**For Years 1995 TO 2001**

**NOTICE:** Under Ind. Code § 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUES**

**I. Adjusted Gross Income Tax – Federal adjustments**

**Authority:** IC 6-8.1-5-1(b); 45 IAC 15-5-4

Taxpayer protests the proposed assessments of Indiana's adjusted gross income tax.

**II. Tax Administration – Interest**

**Authority:** IC 6-8.1-10-1

Taxpayer protests interest assessment.

**III. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); IC 6-3-4-6; 45 IAC 15-11-2

Taxpayer protests the penalty assessment.

**STATEMENT OF FACTS**

Taxpayer was assessed additional taxes and penalty for the underpayment of taxes for tax years 1995 to 2001. The taxes, interest, and penalty resulted from an IRS audit where the taxpayer's individual state income tax liability was increased and the penalty resulted from the taxpayer not notifying the department within the required one hundred and twenty (120) days of the federal adjustments.

Taxpayer requested the Department prove the validity of its assessments and that the department waive the negligence penalty and interest.

**I. Adjusted Gross Income Tax – Federal Adjustments**

**DISCUSSION**

Taxpayer was a signatory to the Federal adjustments and, as occurred at the meeting when taxpayer brought the Federal documentation with him, the adjustments to the Indiana return were (relatively) obvious. Taxpayer has not asserted any argument as to why the Department's assessment should be reduced or abated. At the hearing, and in subsequent meetings, taxpayer did not present an addressable argument as to the error in the Department's base assessment. After review of the Federal audit adjustments, provided by taxpayer at a meeting with the Department, no error in the Department's base assessment was identified. Consequently, pursuant to IC 6-8.1-5-1(b) – which states in relevant part: "The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made." no adjustment will be made. Pursuant to the above statute and the

requirements of IC § 6-8.1-5-1 and 45 IAC 15-5-4, taxpayer has failed to establish a basis for reversal of this assessment.

**FINDING**

Taxpayer's protest is denied.

**II. Tax Administration – Interest**

Taxpayer has protested the interest charged on the adjustment. Taxpayer maintains that the interest rate was 10%, which was too high given prevailing rates. Department notes that while the interest rate in 1991 was 10%, each subsequent year reflects adjustments in the prevailing economic climate- as required by IC 6-8.1-10-1-, thus this year the interest rate is 4%. As to waiver, IC 6-8.1-10-1 does not permit waiver of interest by the Department.

**FINDING**

Taxpayer's protest is denied.

**III. Tax Administration – Penalty**

**DISCUSSION**

Penalty waiver is permitted if the taxpayer shows that the failure to pay the full amount of the tax was due to reasonable cause and not due to willful neglect. IC 6-8.1-10-2.1. The Indiana Administrative Code in section 45 IAC 15-11-2 further provides:

(b) "Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

(c) The department shall waive the negligence penalty imposed under IC 6-8.1-10-1 if the taxpayer affirmatively establishes that the failure to file a return, pay the full amount of tax due, timely remit tax held in trust, or pay a deficiency was due to reasonable cause and not due to negligence. In order to establish reasonable cause, the taxpayer must demonstrate that it exercised ordinary business care and prudence in carrying out or failing to carry out a duty giving rise to the penalty imposed under this section. Factors which may be considered in determining reasonable cause include, but are not limited to:

- (1) the nature of the tax involved;
- (2) judicial precedents set by Indiana courts;
- (3) judicial precedents established in jurisdictions outside Indiana;
- (4) published department instructions, information bulletins, letters of findings, rulings, letters of advice, etc.;
- (5) previous audits or letters of findings concerning the issue and taxpayer involved in the penalty assessment.

Reasonable cause is a fact sensitive question and thus will be dealt with according to the particular facts and circumstances of each case.

According to IC 6-3-4-6 (b) a taxpayer shall notify the department of any modification of:

- (1) a federal income tax return filed by the taxpayer after January 1, 1978; or
- (2) the taxpayer's federal income tax liability for a taxable year which begins after December 31, 1977.

The taxpayer shall file the notice, on the form prescribed by the department, within one hundred twenty (120) days after the modification is made. See also 45 IAC 3.1-1-94.

Taxpayer was assessed an underpayment penalty because it failed to report its Federal RAR adjustments as required by IC 6-3-4-6 for the years 1995 to 2000.

Taxpayer, protested penalties assessed and states that the underpayment of tax was not intentional. Taxpayer, according to IC 6-3-4-6 has one hundred and twenty (120) days to file its RAR adjustments with the Department. Taxpayer failed to comply. At the time of billing, the department had not received the amended returns or notice from the taxpayer that Federal RAR's were pending.

Taxpayer has not provided reasonable cause to allow the department to waive its negligence penalty. The Indiana Code and Regulations are clear regarding notification to the department of a taxpayer's RAR adjustments.

**FINDING**

Taxpayer's protest is denied.

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**DEPARTMENT OF STATE REVENUE**

03-20040107P.LOF

**LETTER OF FINDINGS NUMBER: 04-0107P**  
**Withholding Tax**  
**For the calendar year ended December 31, 2002**

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## Nonrule Policy Documents

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**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUE

#### **I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

### STATEMENT OF FACTS

The late penalty was assessed on the late filing of a WH-3 withholding tax return for the calendar year ended December 31, 2002.

The taxpayer is a company located in Indiana.

#### **I. Tax Administration – Penalty**

### DISCUSSION

The taxpayer requests the penalty be abated as the error was the result of the management changes and difficulty receiving payments from clients. Furthermore, the taxpayer claims to have a very good payment history. The taxpayer also stated that there were health problems during this period.

The Department realizes that occasionally a taxpayer will have health problems resulting in failure to timely file a return. In the instant situation, the taxpayer has a pattern of late filed returns. After the first late filed return, the taxpayer should have had alternative procedures in place. The procedures would have provided for the timely filing of returns.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The taxpayer's arguments taken together do not rise above negligence.

### FINDING

The taxpayer's penalty protest is denied.

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## DEPARTMENT OF STATE REVENUE

0320040240P.LOF

### LETTER OF FINDINGS NUMBER: 04-0240P

#### Withholding Tax

#### For the Calendar Year 2003

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

### ISSUE

#### **I. Tax Administration – Penalty**

**Authority:** IC 6-8.1-10-2.1(d); 45 IAC 15-11-2

The taxpayer protests the late penalty.

### STATEMENT OF FACTS

The late penalty was assessed on the late filing and deposit of withholding for non-resident shareholders for the 2003 calendar year.

The taxpayer is a company located out-of-state.

#### **I. Tax Administration – Penalty**

### DISCUSSION

The taxpayer argues the late penalty should be abated as the error was unusual.

The Department will waive penalty if the error is unusual and the taxpayer has an exemplary payment history with the Department.

With regard to the nature of the error, this is not the first complex return the taxpayer has filed. The return for the year 2002

was also a similar complex return. Because the taxpayer is used to filing complex returns of this nature, the Department does not feel this is a situation that is unusual and be a factor in the waiver of penalty.

With regard to the exemplary payment history, this is the first time the taxpayer has had to pay withholding tax. The department does not feel the taxpayer's payment history qualifies as exemplary. As such, the taxpayer's payment history would not be a factor in the waiver of penalty.

45 IAC 15-11-2(b) states, "Negligence, on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's carelessness, thoughtlessness, disregard or inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence. Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer."

The Department finds the taxpayer was inattentive of the tax due date. Inattention is negligence and negligence is subject to penalty. As such, the Department finds the penalty proper and denies the penalty protest.

**FINDING**

The taxpayer's penalty protest is denied.

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**DEPARTMENT OF STATE REVENUE**

02-20040302P.LOF

**LETTER OF FINDINGS NUMBER 04-0302P  
ADJUSTED GROSS INCOME TAX FOR  
THE PERIOD COVERING THE FISCAL YEARS ENDING  
SEPTEMBER 26, 2000, SEPTEMBER 29, 2001 AND SEPTEMBER 28, 2002**

**NOTICE:** Under IC § 4-22-7-7, this document is required to be published in the *Indiana Register* and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the *Indiana Register*. The publication of this document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Tax Administration—Negligence Penalty**

**Authority:** IC §§ 6-8.1-5-1(b), -10-2.1 (1998); 45 IAC § 15-11-2 (1996) (2001)

**STATEMENT OF FACTS**

The Department conducted an income tax audit of the taxpayer for its fiscal years ending September 26, 2000, September 29, 2001 and September 28, 2002 (hereinafter "the audit period"). During the audit period the taxpayer was a corporation with its commercial domicile outside Indiana and engaged in the retail sporting goods trade. A holding company had acquired the taxpayer in 1998, but it kept filing Indiana Corporate Income Tax Returns (Forms IT-20) during the audit period. The taxpayer's business was unitary, with the taxpayer operating one retail outlet in Indiana during the audit period. None of the taxpayer's affiliate companies did business in Indiana during that time.

The auditor made adjustments to, and the Department's Audit Division issued Notices of Proposed Assessment of, the taxpayer's adjusted gross income tax (hereinafter "AGIT") liability for the fiscal years ending September 26, 2000 and September 28, 2002 (hereinafter "fiscal year 2000" and "fiscal year 2002," respectively). The audit changes arose from computational errors the taxpayer made in preparing its returns for fiscal years 2000 and 2002. Specifically, in computing Indiana adjusted gross income (hereinafter "AGI") for fiscal year 2000 the taxpayer erroneously added back the loss it had sustained on depreciable assets. IC § 6-3-1-3.5(b) (1998) and its implementing regulation, 45 IAC § 3.1-1-8, which set out the corporate AGI formula, did not and at this writing still do not permit taxpayers to add back such losses.

In addition, in both fiscal years 2000 and 2002 the taxpayer also had carried forward and deducted Indiana net operating losses (hereinafter "NOLs") it had incurred for short tax years ending January 9, 1998 and September 30, 1998. In calculating those NOLs the taxpayer failed to include adjustments for the state income and property taxes it had deducted on its federal income tax returns for the 1998 short years, as IC § 6-3-1-3.5 (1998) then required. (The adjustment for property taxes was later deleted from IC § 6-3-1-3.5 for reporting periods ending after December 31, 1998.) The auditor recalculated the NOLs for those periods and adjusted its Indiana NOL deductions for fiscal years 2000 and 2002 accordingly. The adjustments' effect was overwhelmingly on fiscal year 2002, but the adjustments did affect both fiscal years.

In addition to AGIT and interest, the Notices of Proposed Assessment also included 10% negligence penalties. The taxpayer paid the principal taxes assessed plus interest accrued to the date of payment, and filed a timely protest of the penalties. The employee of the taxpayer having responsibility for this matter called the Department's hearings officer on September 3, 2004, in response to

an initial contact letter dated August 26, 2004 the hearings officer had sent. That letter indicated that the taxpayer could submit any additional evidence it might have, with or without a hearing. In that conversation the employee indicated that the taxpayer had no additional evidence to submit, nor did she request a hearing on the taxpayer's behalf. Accordingly, the Department finds the record of this protest to be complete and closed, and the protest ripe for decision.

**DISCUSSION**

A. TAXPAYER'S ARGUMENT

The taxpayer makes general allegations in support of its protest that the Department should abate the penalty because it tries to follow the tax laws and regulations that the Department administers, and that the taxpayer has always filed its returns on time.

B. ANALYSIS

IC § 6-8.1-10-2.1(a)(1), (a)(3), (d) and (f) (1998) respectively read as follows:

(a) If a person:

(1) Fails to file a return for any of the listed taxes;

...

(3) Incurs, upon examination by the department, a deficiency that is due to *negligence*;

...

the person is subject to a penalty.

...

(d) If a person subject to the penalty imposed under this section can show that the failure to file a return, pay the full amount of tax shown on the person's return, timely remit tax held in trust, or pay the deficiency determined by the department was due to *reasonable cause* and not due to willful neglect, the department shall waive the penalty.

...

(f) The department shall adopt rules under IC 4-22-2 [i.e., the Indiana Administrative Orders and Procedures Act] to prescribe the circumstances that constitute *reasonable cause* and *negligence* for purposes of this section.

*Id* (emphases added). Title 45 IAC § 15-11-2(b) (1996) (2001) defines "negligence." It states:

(b) "Negligence" on behalf of a taxpayer is defined as the failure to use such reasonable care, caution, or diligence as would be expected of an ordinary reasonable taxpayer. Negligence would result from a taxpayer's *carelessness*, thoughtlessness, disregard or *inattention to duties placed upon the taxpayer by the Indiana Code or department regulations. Ignorance of the listed tax laws, rules and/or regulations is treated as negligence. Further, failure to read and follow instructions provided by the department is treated as negligence.* Negligence shall be determined on a case by case basis according to the facts and circumstances of each taxpayer.

*Id* (emphases added).

The computational errors the taxpayer made appear to be the quintessence of "negligence" as the regulation defines it. Those mistakes indicate one of several possibilities. Either the taxpayer did not know the statutory and regulatory formulae it was applying, did not read (or did not follow, if it did read) the relevant instructions accompanying the Forms IT-20 for fiscal years 2000 and 2002, or was careless in applying the formulae. All of these circumstances are "negligence" as 45 IAC § 15-11-2(b) defines that word.

The taxpayer's generalized allegations of good faith efforts at compliance are not "reasonable cause" for abating negligence penalties. IC § 6-8.1-5-1(b) (1998) states in relevant part that "[t]he burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made." *Id*. That burden applies to abatement of penalty, as well as substantive tax, assessments. "A person who wishes to avoid the penalty imposed under [IC § 6-8.1-10-2.1(a) and (b) (1998)] must make an affirmative showing of all *facts* alleged as a reasonable cause for the person's failure to file the return, pay the amount of tax shown on the person's return, pay the deficiency, or timely remit tax held in trust[.]" IC § 6-8.1-10-2.1(e) (emphasis added). *See also* 45 IAC § 15-11-2(c) (requiring a taxpayer to "affirmatively establish[.]" *id.*, specifying the standard for the existence of, and enumerating the factors that may be considered in determining the presence or absence of, reasonable cause). The taxpayer has made no factual showing of any kind, let alone one that would constitute "reasonable cause."

The taxpayer's further allegation that it has filed all its Indiana tax returns on time is irrelevant. IC § 6-8.1-10-2.1(a) (1998) sets out the circumstances under which a person is subject to a penalty. As quoted above, paragraphs (1) and (3) of this subsection draw a clear distinction between failing to file a return and incurring a deficiency upon examination that is due to negligence, respectively. The penalties the Department has proposed to assess against the taxpayer are of the latter, not the former, type. Thus, any allegation or evidence of timely filing of returns would have no tendency to prove or disprove that the calculations it made in preparing those returns was negligent.

**FINDING**

The taxpayer's protest is denied.

**DEPARTMENT OF STATE REVENUE**

0220010066.SLOF

**SUPPLEMENTAL LETTER OF FINDINGS: 01-0066SLOF**

**Indiana Corporate Income Tax  
For the Years 1993, 1994, and 1995**

**NOTICE:** Under IC 4-22-7-7, this document is required to be published in the Indiana Register and is effective on its date of publication. It shall remain in effect until the date it is superseded or deleted by the publication of a new document in the Indiana Register. The publication of the document will provide the general public with information about the Department's official position concerning a specific issue.

**ISSUE**

**I. Reimbursement of Intracompany Expenses – Gross Income Tax.**

**Authority:** IC 6-2.1-1-2(a); IC 6-2.1-1-11; IC 6-2.1-2-2; IC 6-2.1-2-2(a)(2); 45 IAC 1-1-9; 45 IAC 1-1-10; 45 IAC 1.1-1-5.

Taxpayer argues that the audit review improperly included, as amounts subject to gross income tax, intracompany transfers of expenses.

**STATEMENT OF FACTS**

Taxpayer is an out-of-state company in the business of developing, manufacturing, and selling items related to automobiles, defense, electronics, and "fluid technologies." Taxpayer has manufacturing facilities located in Indiana. The Department of Revenue (Department) conducted an audit review of taxpayer's business records and tax returns. The Department's review resulted in the assessment of additional corporate income tax for 1993, 1994, and 1995. Taxpayer disagreed with a number of the assessments and submitted a protest to that effect. An administrative hearing was conducted, and a Letter of Findings was issued. Taxpayer challenged the conclusions contained within the Letter of Findings and requested a rehearing. The Department agreed with the taxpayer's request, a rehearing was conducted, and this Supplemental Letter of Findings results.

**DISCUSSION**

**I. Reimbursement of Intracompany Expenses – Gross Income Tax.**

Taxpayer argues that the audit review erred when it determined that certain transfers of expenses and reimbursements were subject to gross income tax. Taxpayer maintains that these reimbursements were merely "phantom payments," that no money was received from outside sources, and that the reimbursements were simply an intracompany reallocation of expenses initially incurred by one particular operating group and allocated among its various divisions and subdivisions.

Taxpayer describes these particular transactions as follows: In operating its business, taxpayer incurs a particular expense. For example, taxpayer incurs \$100 in legal costs. Taxpayer then determines which of its three major divisions is responsible for the \$100 expense. Taxpayer may decide that the \$100 expense is attributable to major division one, two, or three. After making the decision, taxpayer charges that particular major division for the \$100. Shortly thereafter, that major division will make a \$100 book-entry reimbursement to taxpayer. As taxpayer describes this process, no money ever changes hands. The charges and reimbursements do not represent money received from outside parties. According to taxpayer, the system is simply an accounting procedure by which each of the major divisions is held responsible for the cost of performing some service. In the example cited, one of the major divisions was the particular entity which was "charged" with the \$100 legal expense.

Similarly, the charge and reimbursement system functions at the major division / subdivision level. One of the major divisions incurs a certain expense. For example, major division one incurs a \$200 advertising expense. Major division one then determines that this particular expense is attributable to two of the sub-divisions operating within that major division; it determines that subdivision "A" is responsible for \$50 of the advertising expense, and subdivision "B" is responsible for the remaining \$150. Major division one "charges" these two subdivisions the apportioned costs, the two subdivisions make a book-entry "reimbursement" for the cost, and – according to taxpayer's description – the original \$200 expense is properly apportioned between the two subdivisions actually responsible for the advertising cost.

It is taxpayer's contention that all of these reimbursements are merely "phantom payments" and do not represent the receipt of actual money. Because, according to taxpayer, all of these phantom book entries are merely accounting fictions, the audit's decision to find that the "reimbursements" are subject to gross income tax is erroneous.

Under the provisions of IC 6-2.1-2-2, the state's gross income tax is imposed on the receipt of "the taxable gross income derived from activities or businesses or any other sources within Indiana by a taxpayer who is not a resident or a domiciliary of Indiana." IC 6-2.1-2-2(a)(2).

"Gross income" is defined at IC 6-2.1-1-2(a) which states, in part, that "Except as expressly provided in this article, 'gross income' means all the gross receipts a taxpayer receives: (1) from trades, businesses, or commerce... and (10) from any other source not specifically defined in this subsection." "Receives" is defined at IC 6-2.1-1-11 which states that "Receives", as applied to a taxpayer, means (1) the actual coming into possession of, or the crediting to, the taxpayer, of gross income; or (2) the payment of the taxpayer's expenses, debts, or other obligations by a third party for the taxpayer's direct benefit." Id.

The Department's regulation defines those instances in which a taxpayer receives income subject to the gross income tax. 45

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## Nonrule Policy Documents

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IAC 1-1-9 (1979) states that, “[R]eceived’ means either the actual coming into possession of gross income by the taxpayer or the crediting to him of gross income.” *See* 45 IAC 1.1-1-5 (1999). The regulation further states that, “It is not necessary for gross income to actually come into the taxpayer’s possession to be his gross income. Whenever gross income is ‘received’ in any manner other than by actual possession, gross income is considered to be ‘constructively received.’” *Id.* The regulation defines “‘Constructive receipts’ [as] those items of gross income which are not actually received by the taxpayer but which are credited to him, available for his withdrawal, paid to another for his benefit, or represent income to which he is entitled.” 45 IAC 1-1-10 (1978); *See* 45 IAC 1.1-1-5 (1999).

If taxpayer were simply moving money from one corporate pocket into another, taxpayer’s argument would merit consideration because such strictly intra-company transactions would be entirely transparent for gross income tax purposes. However, on taxpayer’s corresponding federal tax returns these purportedly intra-company reimbursements were reflected on line 26 of the federal form for “Other Deductions.” These identical reimbursements were shown on the federal form as a credit labeled “Rent, Services, and Other Overhead Items” on the schedule of “Other Deductions” attached to the original federal return supporting the line 26 “Other Deductions.” With all due respect to taxpayer’s internal accounting procedures, taxpayer’s argument appears to be at odds with how these amounts were treated for federal tax purposes; taxpayer’s treatment of these particular amounts on its federal return is inconsistent with its contention that the transfer of these amounts has no state gross income tax effect. If these amounts were in fact merely intra-company reallocations of expenses, the expense reallocations would not be reported on the corresponding federal tax return as a credit to “Other Deductions.”

### FINDING

Taxpayer’s protest is respectfully denied.

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## Rules Affected by Volumes 27 and 28

TITLE 10 OFFICE OF ATTORNEY GENERAL FOR THE STATE				65 IAC 4-1-12.2	N	04-34	*ER (27 IR 1909)	
10 IAC 1.5	RA	03-102	26 IR 3425	<b>27 IR 946</b>	65 IAC 4-1-12.3	N	04-34	*ER (27 IR 1909)
10 IAC 1.5-6	N	03-101	26 IR 3374	<b>27 IR 450</b>	65 IAC 4-1-12.4	N	04-34	*ER (27 IR 1909)
10 IAC 3-1-1	A	03-167	26 IR 3909	<b>27 IR 824</b>	65 IAC 4-2-3	A	03-334	*ER (27 IR 1596)
10 IAC 3-1-2	A	03-167	26 IR 3911	<b>27 IR 825</b>	65 IAC 4-2-5	A	03-334	*ER (27 IR 1596)
TITLE 11 CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL				65 IAC 4-3-1	A	03-334	*ER (27 IR 1597)	
11 IAC 2-5-5	N	02-324	26 IR 1598	*AROC (26 IR 2134)	65 IAC 4-3-2	A	03-334	*ER (27 IR 1597)
11 IAC 3	N	03-165	26 IR 3911	<b>27 IR 826</b>	65 IAC 4-90	R	04-249	*ER (28 IR 227)
TITLE 25 INDIANA DEPARTMENT OF ADMINISTRATION				65 IAC 4-99	R	04-249	*ER (28 IR 227)	
25 IAC 6	N	04-172	27 IR 3595	*CPH (28 IR 234)	65 IAC 4-205	R	04-249	*ER (28 IR 227)
TITLE 31 STATE PERSONNEL DEPARTMENT				65 IAC 4-248	R	04-249	*ER (28 IR 227)	
31 IAC 1-9-4	A	04-170	27 IR 4049	65 IAC 4-272	R	04-249	*ER (28 IR 227)	
31 IAC 2-11-4	A	04-170	27 IR 4049	65 IAC 4-287	R	04-249	*ER (28 IR 227)	
TITLE 28 STATE INFORMATION TECHNOLOGY OVERSIGHT COMMISSION				65 IAC 4-317	R	04-249	*ER (28 IR 227)	
28 IAC	N	04-123	28 IR 986	65 IAC 4-319	R	04-249	*ER (28 IR 227)	
TITLE 35 BOARD OF TRUSTEES OF THE PUBLIC EMPLOYEES' RETIREMENT FUND				65 IAC 4-321	R	04-249	*ER (28 IR 227)	
35 IAC 8-1-1	A	04-18	27 IR 2305	<b>27 IR 3868</b>	65 IAC 4-329	N	03-237	*ER (27 IR 192)
35 IAC 8-1-2	A	04-18	27 IR 2305	<b>27 IR 3868</b>	65 IAC 4-330	N	03-246	*ER (27 IR 199)
35 IAC 8-2-1	A	04-18	27 IR 2306	<b>27 IR 3869</b>	65 IAC 4-331	N	03-247	*ER (27 IR 200)
35 IAC 10	N	04-18	27 IR 2307	<b>27 IR 3870</b>	65 IAC 4-332	R	04-249	*ER (28 IR 227)
35 IAC 11	N	03-131	26 IR 3678	<b>27 IR 1164</b>	65 IAC 4-333	N	03-292	*ER (27 IR 891)
35 IAC 12	N	04-18	27 IR 2308	<b>27 IR 3871</b>	65 IAC 4-335	N	03-310	*ER (27 IR 1190)
TITLE 40 STATE ETHICS COMMISSION				65 IAC 4-336	N	03-338	*ER (27 IR 1602)	
40 IAC 2-1-5.5	N	04-198	28 IR 987	65 IAC 4-337	N	04-28	*ER (27 IR 1900)	
40 IAC 2-1-6	A	04-198	28 IR 987	65 IAC 4-338	N	04-26	*ER (27 IR 1896)	
40 IAC 2-1-7	A	04-198	28 IR 988	65 IAC 4-339	N	04-30	*ER (27 IR 1903)	
TITLE 45 DEPARTMENT OF STATE REVENUE				65 IAC 4-340	N	04-31	*ER (27 IR 1905)	
45 IAC 1.3	N	04-125	27 IR 3101	65 IAC 4-341	N	04-32	*ER (27 IR 1907)	
45 IAC 18-3-7	R	04-255	28 IR 624	*AWR (28 IR 971)	65 IAC 4-342	N	04-169	*ER (27 IR 3085)
45 IAC 18-3-7.1	N	04-255	28 IR 623	*AWR (28 IR 971)	65 IAC 4-343	N	04-93	*ER (27 IR 2511)
45 IAC 18-3-8	R	04-255	28 IR 624	*AWR (28 IR 971)		R	04-249	*ER (28 IR 227)
45 IAC 18-3-8.1	N	04-255	28 IR 623	*AWR (28 IR 971)	65 IAC 4-344	N	04-201	*ER (27 IR 4026)
TITLE 50 DEPARTMENT OF LOCAL GOVERNMENT FINANCE				65 IAC 4-346	N	04-130	*ER (27 IR 2748)	
50 IAC 18	N	03-235	27 IR 909	*AROC (27 IR 2079)	65 IAC 4-347	N	04-193	*ER (27 IR 3584)
				<b>27 IR 2710</b>	65 IAC 4-348	N	04-241	*ER (28 IR 221)
50 IAC 19	N	02-342	26 IR 2397	*ARR (26 IR 3885)	65 IAC 4-349	N	04-283	*ER (28 IR 975)
				*AROC (27 IR 287)	65 IAC 4-350	N	04-252	*ER (28 IR 229)
				<b>27 IR 450</b>	65 IAC 4-352	N	04-284	*ER (28 IR 978)
50 IAC 20	N	03-6	27 IR 908	*CPH (27 IR 1613)	65 IAC 4-354	R	04-249	*ER (28 IR 227)
				*ARR (27 IR 2745)	65 IAC 4-359	R	04-249	*ER (28 IR 227)
				*AROC (27 IR 3707)	65 IAC 4-367	R	04-249	*ER (28 IR 227)
50 IAC 21	N	04-174	27 IR 3603		65 IAC 4-383	R	04-249	*ER (28 IR 227)
	N	02-297	27 IR 4050		65 IAC 4-390	R	04-249	*ER (28 IR 227)
TITLE 52 INDIANA BOARD OF TAX REVIEW				65 IAC 4-401	R	04-249	*ER (28 IR 227)	
52 IAC 2	N	03-179	26 IR 3915	<b>27 IR 1776</b>	65 IAC 4-402	R	04-249	*ER (28 IR 227)
				*ERR (27 IR 2284)	65 IAC 4-403	R	04-249	*ER (28 IR 227)
52 IAC 3	N	03-179	26 IR 3926	<b>27 IR 1787</b>	65 IAC 4-404	R	04-249	*ER (28 IR 227)
				*ERR (27 IR 2284)	65 IAC 4-405	R	04-249	*ER (28 IR 227)
52 IAC 4	N	03-259	27 IR 555		65 IAC 4-406	R	04-249	*ER (28 IR 227)
TITLE 65 STATE LOTTERY COMMISSION				65 IAC 4-408	R	04-249	*ER (28 IR 227)	
65 IAC 1-4-1	A	04-206		*ER (27 IR 4034)	65 IAC 4-407	R	04-249	*ER (28 IR 227)
65 IAC 1-4-5	A	04-206		*ER (27 IR 4034)	65 IAC 4-437	R	04-249	*ER (28 IR 227)
65 IAC 1-4-5.5	N	04-206		*ER (27 IR 4035)	65 IAC 4-439	R	04-249	*ER (28 IR 227)
	A	04-237		*ER (28 IR 217)	65 IAC 4-440	R	04-249	*ER (28 IR 227)
65 IAC 4-1-6	A	04-34		*ER (27 IR 1909)	65 IAC 4-441	R	04-249	*ER (28 IR 227)
65 IAC 4-1-6.5	A	04-34		*ER (27 IR 1909)	65 IAC 4-442	R	04-249	*ER (28 IR 227)
65 IAC 4-1-7	A	04-34		*ER (27 IR 1909)	65 IAC 4-443	R	04-249	*ER (28 IR 227)
					65 IAC 4-445	R	04-249	*ER (28 IR 227)
					65 IAC 4-446	R	04-249	*ER (28 IR 227)
					65 IAC 4-447	R	04-249	*ER (28 IR 227)
					65 IAC 4-448	R	04-249	*ER (28 IR 227)
					65 IAC 4-450	R	04-249	*ER (28 IR 227)
					65 IAC 4-453	R	04-249	*ER (28 IR 227)
					65 IAC 5-1-2.2	N	04-34	*ER (27 IR 1909)
					65 IAC 5-1-2.4	N	04-34	*ER (27 IR 1910)
					65 IAC 5-1-2.6	N	04-34	*ER (27 IR 1910)
					65 IAC 5-1-6	A	04-34	*ER (27 IR 1910)
					65 IAC 5-1-7	A	04-34	*ER (27 IR 1910)
					65 IAC 5-1-8	A	04-34	*ER (27 IR 1910)
					65 IAC 5-1-11.2	N	04-34	*ER (27 IR 1910)







## Rules Affected by Volumes 27 and 28

TITLE 307 INDIANA BOARD OF REGISTRATION FOR SOIL SCIENTISTS				312 IAC 9-3-13	A	03-311	27 IR 1950	<b>28 IR 540</b>
307 IAC	N	03-32	26 IR 2652	312 IAC 9-3-14	A	03-311	27 IR 1950	<b>28 IR 540</b>
				312 IAC 9-3-15	A	03-311	27 IR 1950	<b>28 IR 540</b>
				312 IAC 9-3-17	A	03-311	27 IR 1950	<b>28 IR 540</b>
				312 IAC 9-4-7	R	03-311	27 IR 1966	<b>28 IR 556</b>
				312 IAC 9-4-10	A	03-311	27 IR 1951	
				312 IAC 9-4-11	A	03-311	27 IR 1951	<b>28 IR 541</b>
				312 IAC 9-4-14	A	03-311	27 IR 1952	<b>28 IR 542</b>
				312 IAC 9-5-4	A	03-311	27 IR 1953	<b>28 IR 542</b>
				312 IAC 9-5-6	A	03-311	27 IR 1953	<b>28 IR 543</b>
				312 IAC 9-5-7	A	03-311	27 IR 1953	<b>28 IR 543</b>
				312 IAC 9-5-9	A	03-311	27 IR 1955	<b>28 IR 545</b>
				312 IAC 9-5-11	N	03-311	27 IR 1956	<b>28 IR 546</b>
				312 IAC 9-6-9	A	03-311	27 IR 1957	<b>28 IR 547</b>
				312 IAC 9-7-2	A	03-311	27 IR 1957	<b>28 IR 547</b>
				312 IAC 9-7-6	A	03-311	27 IR 1959	<b>28 IR 549</b>
				312 IAC 9-7-13	A	03-311	27 IR 1960	<b>28 IR 550</b>
				312 IAC 9-10-3	A	03-35	26 IR 3374	<b>27 IR 1165</b>
				312 IAC 9-10-4	A	03-149	27 IR 246	<b>27 IR 1789</b>
				312 IAC 9-10-9	A	03-311	27 IR 1960	<b>28 IR 550</b>
				312 IAC 9-10-9.5	N	03-311	27 IR 1961	<b>28 IR 551</b>
				312 IAC 9-10-10	A	03-311	27 IR 1962	<b>28 IR 552</b>
				312 IAC 9-10-13.5	N	03-311	27 IR 1963	<b>28 IR 553</b>
				312 IAC 9-10-17	A	03-311	27 IR 1964	<b>28 IR 554</b>
				312 IAC 9-11-1	A	03-311	27 IR 1964	<b>28 IR 554</b>
				312 IAC 9-11-2	A	03-311	27 IR 1965	<b>28 IR 555</b>
				312 IAC 9-11-14	A	03-311	27 IR 1965	<b>28 IR 555</b>
				312 IAC 10-2-33.5	N	03-296	27 IR 1617	<b>27 IR 3065</b>
				312 IAC 10-5-0.3	N	03-215	27 IR 1940	<b>27 IR 3875</b>
				312 IAC 10-5-0.6	N	03-215	27 IR 1940	<b>27 IR 3875</b>
				312 IAC 10-5-3	A	03-215	27 IR 1941	<b>27 IR 3876</b>
				312 IAC 10-5-4	A	03-215	27 IR 1941	<b>27 IR 3876</b>
				312 IAC 10-5-5	A	03-215	27 IR 1942	<b>27 IR 3878</b>
				312 IAC 10-5-6	A	03-215	27 IR 1943	<b>27 IR 3878</b>
				312 IAC 10-5-7	A	03-215	27 IR 1944	<b>27 IR 3880</b>
				312 IAC 10-5-8	A	03-215	27 IR 1945	<b>27 IR 3880</b>
				312 IAC 11-2-11.5	N	04-94	27 IR 4095	
				312 IAC 11-3-1	A	03-203	27 IR 1201	<b>27 IR 3062</b>
					A	04-94	27 IR 4095	
				312 IAC 11-4-1	A	04-4	27 IR 2316	<b>27 IR 3886</b>
				312 IAC 11-4-3	A	03-203	27 IR 1202	<b>27 IR 3063</b>
				312 IAC 11-5-1	A	03-30	26 IR 2661	<b>27 IR 61</b>
				312 IAC 11-5-2	A	03-296	27 IR 1617	<b>27 IR 3065</b>
				312 IAC 14	RA	02-331	26 IR 2133	<b>27 IR 286</b>
				312 IAC 15	RA	02-331	26 IR 2133	<b>27 IR 286</b>
				312 IAC 16	RA	03-315	27 IR 2339	
				312 IAC 16-1-9.5	N	03-251	27 IR 1206	<b>27 IR 3881</b>
				312 IAC 16-1-39.5	N	03-251	27 IR 1206	<b>27 IR 3881</b>
				312 IAC 16-1-44.6	N	03-251	27 IR 1206	<b>27 IR 3881</b>
				312 IAC 16-3-2	A	04-121	27 IR 4097	
				312 IAC 16-3-8	A	04-121	27 IR 4099	
				312 IAC 16-5-14	A	04-23	27 IR 2532	<b>28 IR 556</b>
				312 IAC 16-5-15	A	03-251	27 IR 1206	<b>27 IR 3881</b>
				312 IAC 16-5-19	A	03-251	27 IR 1207	<b>27 IR 3882</b>
				312 IAC 17	RA	03-315	27 IR 2339	
				312 IAC 17-3-1	A	04-23	27 IR 2532	<b>28 IR 557</b>
				312 IAC 17-3-2	A	04-23	27 IR 2532	<b>28 IR 557</b>
				312 IAC 17-3-3	A	04-23	27 IR 2532	<b>28 IR 557</b>
				312 IAC 17-3-4	A	04-23	27 IR 2533	<b>28 IR 558</b>
				312 IAC 17-3-6	A	04-23	27 IR 2534	<b>28 IR 558</b>
				312 IAC 17-3-8	A	04-23	27 IR 2534	<b>28 IR 558</b>
				312 IAC 17-3-9	A	04-23	27 IR 2534	<b>28 IR 558</b>
				312 IAC 18-3-12	A	03-214	27 IR 1203	<b>*ARR (27 IR 2745)</b>
				312 IAC 18-3-15	N	03-213	27 IR 559	<b>27 IR 2470</b>
				312 IAC 18-3-16	N	03-213	27 IR 560	<b>27 IR 2471</b>
				312 IAC 18-3-17	N	03-213	27 IR 560	<b>27 IR 2472</b>
				312 IAC 18-5-2	A	03-213	27 IR 561	<b>27 IR 2472</b>
				312 IAC 18-5-4	A	03-91	26 IR 3375	<b>27 IR 1166</b>
				312 IAC 19	RA	03-315	27 IR 2339	
TITLE 312 NATURAL RESOURCES COMMISSION								
312 IAC 1-1-19.5	N	03-296	27 IR 1617	<b>27 IR 3065</b>				
312 IAC 1-1-27.5	N	03-296	27 IR 1617	<b>27 IR 3065</b>				
312 IAC 1-1-29.3	N	03-296	27 IR 1617	<b>27 IR 3065</b>				
312 IAC 2-2-1	A	03-220	27 IR 1205	<b>27 IR 3064</b>				
312 IAC 2-2-4	A	03-220	27 IR 1205	<b>27 IR 3064</b>				
312 IAC 2-3-1	A	03-220	27 IR 1205	<b>27 IR 3064</b>				
312 IAC 2-4-6	A	04-215	28 IR 626					
312 IAC 2-4-12	A	04-67	27 IR 3604					
312 IAC 2-4-14	N	04-215	28 IR 626					
312 IAC 4-6-6	A	04-208	28 IR 625					
312 IAC 5-6-5	A	03-92	27 IR 220	<b>*AWR (27 IR 2501)</b>				
	A	04-84	28 IR 240					
312 IAC 5-6-5.5	N	04-210	28 IR 989					
312 IAC 5-6-6	A	03-29	26 IR 2660	<b>27 IR 59</b>				
				<b>*ERR (27 IR 2742)</b>				
				<b>*ERR (27 IR 3078)</b>				
				<b>27 IR 3885</b>				
312 IAC 5-12.5	N	03-316	27 IR 2315					
312 IAC 5-14-1	A	04-155	27 IR 4100					
312 IAC 5-14-2	A	04-155	27 IR 4100					
312 IAC 5-14-4	A	04-155	27 IR 4101					
312 IAC 5-14-5	R	04-155	27 IR 4109					
312 IAC 5-14-5.1	N	04-155	27 IR 4101					
312 IAC 5-14-6	R	04-155	27 IR 4109					
312 IAC 5-14-6.1	N	04-155	27 IR 4102					
312 IAC 5-14-7	A	04-155	27 IR 4102					
312 IAC 5-14-8	A	04-155	27 IR 4102					
312 IAC 5-14-9	A	04-155	27 IR 4103					
312 IAC 5-14-11	A	04-155	27 IR 4103					
312 IAC 5-14-15	A	04-155	27 IR 4103					
312 IAC 5-14-16	A	04-155	27 IR 4104					
312 IAC 5-14-17	A	04-155	27 IR 4104					
312 IAC 5-14-18	A	04-155	27 IR 4105					
312 IAC 5-14-19	A	04-155	27 IR 4105					
312 IAC 5-14-20	A	04-155	27 IR 4106					
312 IAC 5-14-21	A	04-155	27 IR 4106					
312 IAC 5-14-22	A	04-155	27 IR 4106					
312 IAC 5-14-24	A	04-155	27 IR 4107					
312 IAC 5-14-25	A	04-155	27 IR 4108					
312 IAC 5-14-26	R	04-155	27 IR 4109					
312 IAC 5-14-27	N	04-155	27 IR 4109					
312 IAC 6	RA	02-331	26 IR 2133	<b>27 IR 286</b>				
312 IAC 6-4-3	A	04-4	27 IR 2316	<b>27 IR 3885</b>				
312 IAC 6.2	N	04-66	27 IR 3119					
312 IAC 6.5	N	04-3	27 IR 2767	<b>28 IR 15</b>				
312 IAC 7	RA	02-331	26 IR 2133	<b>27 IR 286</b>				
312 IAC 8	RA	03-315	27 IR 2339					
312 IAC 8-1-2	A	03-50	26 IR 3085	<b>27 IR 455</b>				
312 IAC 8-1-4	A	03-50	26 IR 3085	<b>27 IR 455</b>				
312 IAC 8-2-3	A	03-50	26 IR 3086	<b>27 IR 456</b>				
312 IAC 8-2-6	A	03-50	26 IR 3088	<b>27 IR 457</b>				
312 IAC 8-2-9	A	03-50	26 IR 3088	<b>27 IR 458</b>				
312 IAC 8-2-11	A	03-50	26 IR 3088	<b>27 IR 458</b>				
312 IAC 8-2-13	A	04-4	27 IR 2316	<b>27 IR 3886</b>				
312 IAC 9	RA	02-331	26 IR 2133	<b>27 IR 286</b>				
312 IAC 9-1-9.5	N	03-311	27 IR 1946	<b>28 IR 536</b>				
312 IAC 9-1-11.5	N	03-311	27 IR 1946	<b>28 IR 536</b>				
312 IAC 9-2-11	A	03-50	26 IR 3089	<b>27 IR 459</b>				
312 IAC 9-3-2	A	03-311	27 IR 1946	<b>28 IR 536</b>				
312 IAC 9-3-3	A	03-311	27 IR 1947	<b>28 IR 538</b>				
312 IAC 9-3-4	A	03-311	27 IR 1948	<b>28 IR 538</b>				
312 IAC 9-3-10	A	03-311	27 IR 1949	<b>28 IR 539</b>				
312 IAC 9-3-11	A	03-311	27 IR 1949	<b>28 IR 539</b>				
312 IAC 9-3-12	A	03-311	27 IR 1949	<b>28 IR 539</b>				



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326 IAC 2-6-5	N	01-249	24 IR 3705	*CPH (24 IR 4012) *CPH (27 IR 551) <b>27 IR 2215</b>	326 IAC 3-5-2	A	02-337	26 IR 2017	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 32</b>
326 IAC 2-6.1-1	RA	04-44	27 IR 3149	<b>28 IR 795</b>	326 IAC 3-5-3	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 33</b>
326 IAC 2-6.1-2	RA	04-44	27 IR 3149	<b>28 IR 795</b>					
326 IAC 2-6.1-3	RA	04-44	27 IR 3149	<b>28 IR 795</b>					
326 IAC 2-6.1-4	RA	04-44	27 IR 3150	<b>28 IR 796</b>	326 IAC 3-5-4	A	02-337	26 IR 2019	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 34</b>
326 IAC 2-6.1-5	RA	04-44	27 IR 3150	<b>28 IR 796</b>					
326 IAC 2-6.1-6	RA	04-44	27 IR 3151	<b>28 IR 797</b>					
326 IAC 2-6.1-7	RA	04-44	27 IR 3154	<b>28 IR 801</b>	326 IAC 3-5-5	A	02-337	26 IR 2020	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 34</b>
326 IAC 2-7-3	A	02-337	26 IR 2006	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 20</b>					
					326 IAC 3-6-1	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 36</b>
326 IAC 2-7-8	A	02-337	26 IR 2006	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 20</b>					
					326 IAC 3-6-3	A	02-337	26 IR 2022	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 37</b>
326 IAC 2-7-10.5	A	03-67	27 IR 2041	<b>27 IR 3947</b>					
326 IAC 2-7-11	A	03-67	27 IR 2045	<b>27 IR 3951</b>					
326 IAC 2-7-12	A	03-67	27 IR 2046	<b>27 IR 3952</b>	326 IAC 3-6-5	A	02-337	26 IR 2023	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 37</b>
326 IAC 2-7-18	A	02-337	26 IR 2007	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 21</b>					
					326 IAC 3-7-2	A	02-337	26 IR 2024	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 38</b>
326 IAC 2-8-3	A	02-337	26 IR 2008	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 22</b>					
					326 IAC 3-7-4	A	02-337	26 IR 2025	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 40</b>
326 IAC 2-9-1	RA	04-44	27 IR 3155	<b>28 IR 801</b>					
326 IAC 2-9-2.5	RA	04-44	27 IR 3156	<b>28 IR 802</b>					
326 IAC 2-9-3	RA	04-44	27 IR 3156	<b>28 IR 803</b>	326 IAC 5-1-2	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 40</b>
326 IAC 2-9-4	RA	04-44	27 IR 3157	<b>28 IR 803</b>					
326 IAC 2-9-5	RA	04-44	27 IR 3158	<b>28 IR 805</b>					
326 IAC 2-9-6	RA	04-44	27 IR 3159	<b>28 IR 805</b>	326 IAC 5-1-4	A	02-337	26 IR 2026	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 41</b>
326 IAC 2-9-7	A	02-337	26 IR 2009	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 23</b>					
					326 IAC 5-1-5	A	02-337	26 IR 2027	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 41</b>
	RA	04-44	27 IR 3159	<b>28 IR 805</b>					
326 IAC 2-9-8	A	02-337	26 IR 2010	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 25</b>	326 IAC 6-1-10.1	A	01-407	26 IR 1970	*CPH (26 IR 2391) <b>27 IR 62</b>
	RA	04-44	27 IR 3160	<b>28 IR 806</b>	326 IAC 6-1-10.2	A	01-407	26 IR 1994	*CPH (26 IR 2391) <b>27 IR 85</b>
326 IAC 2-9-9	A	02-337	26 IR 2012	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 26</b>					
					326 IAC 6-1-12	A	04-43	28 IR 242	<b>28 IR 115</b>
	RA	04-44	27 IR 3162	<b>28 IR 808</b>	326 IAC 6-1-13	A	03-195	27 IR 2318	*CPH (28 IR 982)
326 IAC 2-9-10	A	02-337	26 IR 2013	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 27</b>	326 IAC 7-1.1-1	A	00-236	28 IR 632	*CPH (28 IR 982)
					326 IAC 7-1.1-2	A	00-236	28 IR 632	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 42</b>
					326 IAC 7-2-1	A	02-337	26 IR 2028	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 42</b>
	RA	04-44	27 IR 3163	<b>28 IR 809</b>					
326 IAC 2-9-11	RA	04-44	27 IR 3164	<b>28 IR 810</b>					
326 IAC 2-9-12	RA	04-44	27 IR 3165	<b>28 IR 811</b>	326 IAC 7-4-1.1	R	00-236	28 IR 644	*CPH (28 IR 982)
326 IAC 2-9-13	A	02-337	26 IR 2014	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 28</b>	326 IAC 7-4-3	A	03-195	27 IR 2319	<b>28 IR 117</b>
					326 IAC 7-4-10	A	02-337	26 IR 2029	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 43</b>
	RA	04-44	27 IR 3165	<b>28 IR 811</b>					
326 IAC 2-9-14	RA	04-44	27 IR 3167	<b>28 IR 814</b>	326 IAC 7-4-13	A	03-282	27 IR 2768	*CPH (27 IR 3591)
326 IAC 2-10-1	RA	03-332	27 IR 2324	<b>27 IR 3954</b>	326 IAC 7-4.1	N	00-236	28 IR 633	*CPH (28 IR 982)
326 IAC 2-10-2.1	N	03-332	27 IR 2325	<b>27 IR 3954</b>	326 IAC 8-1-4	A	02-337	26 IR 2030	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 44</b>
326 IAC 2-10-3.1	N	03-332	27 IR 2325	<b>27 IR 3954</b>					
326 IAC 2-10-4.1	N	03-332	27 IR 2325	<b>27 IR 3955</b>					
326 IAC 2-10-5.1	N	03-332	27 IR 2325	<b>27 IR 3955</b>	326 IAC 8-4-6	A	02-337	26 IR 2032	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 47</b>
326 IAC 2-10-6.1	N	03-332	27 IR 2325	<b>27 IR 3955</b>					
326 IAC 2-11-1	RA	03-333	27 IR 2326	<b>27 IR 3955</b>					
326 IAC 2-11-2	A	03-333	27 IR 2327	<b>27 IR 3956</b>	326 IAC 8-4-9	A	02-337	26 IR 2035	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 49</b>
326 IAC 2-11-3	RA	03-333	27 IR 2327	<b>27 IR 3957</b>					
326 IAC 2-11-4	RA	03-333	27 IR 2328	<b>27 IR 3957</b>					
326 IAC 3-4-1	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 30</b>	326 IAC 8-7-7	A	02-337	26 IR 2036	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 51</b>
326 IAC 3-4-3	A	02-337	26 IR 2016	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 31</b>	326 IAC 8-9-2	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 51</b>

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326 IAC 8-9-3	A	02-337	26 IR 2037	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 51</b>	326 IAC 13-1.1-14	A	02-337	26 IR 2065	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 80</b>
326 IAC 8-9-4	A	02-337	26 IR 2038	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 52</b>	326 IAC 13-1.1-16	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 81</b>
326 IAC 8-9-5	A	02-337	26 IR 2040	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 54</b>	326 IAC 14-1-1	A	02-337	26 IR 2066	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 81</b>
326 IAC 8-9-6	A	02-337	26 IR 2042	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 56</b>	326 IAC 14-1-2	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 81</b>
326 IAC 8-10-7	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 58</b>	326 IAC 14-1-4	R	02-337	26 IR 2099	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 114</b>
326 IAC 8-11-2	A	02-337	26 IR 2044	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 59</b>	326 IAC 14-3-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 82</b>
326 IAC 8-11-6	A	02-337	26 IR 2046	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 61</b>	326 IAC 14-4-1	A	02-337	26 IR 2067	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 82</b>
326 IAC 8-11-7	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 64</b>	326 IAC 14-5-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 82</b>
326 IAC 8-12-3	A	02-337	26 IR 2050	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 65</b>	326 IAC 14-7-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</b>
326 IAC 8-12-5	A	02-337	26 IR 2052	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 67</b>	326 IAC 14-8-1	A	02-337	26 IR 2068	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</b>
326 IAC 8-12-6	A	02-337	26 IR 2053	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 68</b>	326 IAC 14-8-3	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 83</b>
326 IAC 8-12-7	A	02-337	26 IR 2054	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 68</b>	326 IAC 14-8-4	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</b>
326 IAC 8-13-5	A	02-337	26 IR 2055	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 69</b>	326 IAC 14-8-5	A	02-337	26 IR 2069	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</b>
326 IAC 10-1-2	A	02-337	26 IR 2056	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 70</b>	326 IAC 14-9-5	A	02-337	26 IR 2070	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 84</b>
326 IAC 10-1-4	A	02-337	26 IR 2057	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 71</b>	326 IAC 14-9-8	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 85</b>
326 IAC 10-1-5	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 73</b>	326 IAC 14-9-9	A	02-337	26 IR 2071	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 86</b>
326 IAC 10-1-6	A	02-337	26 IR 2059	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 74</b>	326 IAC 14-10-1	A	02-337	26 IR 2072	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 87</b>
326 IAC 11-3-4	A	02-337	26 IR 2060	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 74</b>	326 IAC 14-10-2	A	02-337	26 IR 2074	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 88</b>
326 IAC 11-7-1	A	02-337	26 IR 2061	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 75</b>	326 IAC 14-10-3	A	02-337	26 IR 2076	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 91</b>
326 IAC 13-1.1-1	A	02-337	26 IR 2062	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 76</b>	326 IAC 14-10-4	A	02-337	26 IR 2078	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 93</b>
326 IAC 13-1.1-8	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 77</b>	326 IAC 15-1-2	A	02-337	26 IR 2080	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 95</b>
326 IAC 13-1.1-10	A	02-337	26 IR 2063	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 78</b>	326 IAC 15-1-4	A	02-337	26 IR 2083	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 98</b>
326 IAC 13-1.1-13	A	02-337	26 IR 2064	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 79</b>	326 IAC 16-3-1	A	02-337	26 IR 2084	*ARR (27 IR 2500) *CPH (27 IR 2521) <b>28 IR 98</b>

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326 IAC 18-1-1	A	03-283	27 IR 3128	*CPH (27 IR 3591)	326 IAC 20-74	N	04-107	27 IR 3169	*CPH (27 IR 3592)
326 IAC 18-1-2	A	02-337	26 IR 2084	*ARR (27 IR 2500)					*CPH (28 IR 234)
				*CPH (27 IR 2521)	326 IAC 20-75	N	04-107	27 IR 3169	*CPH (27 IR 3592)
				<b>28 IR 99</b>					*CPH (28 IR 234)
	A	03-283	27 IR 3128	*CPH (27 IR 3591)	326 IAC 20-76	N	04-107	27 IR 3170	*CPH (27 IR 3592)
326 IAC 18-1-3	A	03-283	27 IR 3130	*CPH (27 IR 3591)					*CPH (28 IR 234)
326 IAC 18-1-4	A	03-283	27 IR 3131	*CPH (27 IR 3591)	326 IAC 20-77	N	04-107	27 IR 3170	*CPH (27 IR 3592)
326 IAC 18-1-5	A	02-337	26 IR 2086	*ARR (27 IR 2500)					*CPH (28 IR 234)
				*CPH (27 IR 2521)	326 IAC 20-78	N	04-107	27 IR 3170	*CPH (27 IR 3592)
				<b>28 IR 101</b>					*CPH (28 IR 234)
	A	03-283	27 IR 3132	*CPH (27 IR 3591)	326 IAC 20-79	N	04-107	27 IR 3170	*CPH (27 IR 3592)
326 IAC 18-1-6	A	03-283	27 IR 3133	*CPH (27 IR 3591)					*CPH (28 IR 234)
326 IAC 18-1-7	A	02-337	26 IR 2087	*ARR (27 IR 2500)	326 IAC 20-82	N	04-235	28 IR 997	
				*CPH (27 IR 2521)	326 IAC 20-83	N	04-236	28 IR 998	
				<b>28 IR 102</b>	326 IAC 20-84	N	04-236	28 IR 998	
	A	02-337	26 IR 2088	*ARR (27 IR 2500)	326 IAC 20-85	N	04-236	28 IR 999	
				*CPH (27 IR 2521)	326 IAC 20-86	N	04-236	28 IR 999	
				<b>28 IR 103</b>	326 IAC 20-87	N	04-236	28 IR 999	
326 IAC 18-1-9	A	03-283	27 IR 3134	*CPH (27 IR 3591)	326 IAC 20-88	N	04-236	28 IR 999	
326 IAC 18-2-2	A	02-337	26 IR 2088	*ARR (27 IR 2500)	326 IAC 22-1-1	A	02-337	26 IR 2098	*ARR (27 IR 2500)
				*CPH (27 IR 2521)					*CPH (27 IR 2521)
				<b>28 IR 103</b>					<b>28 IR 113</b>
	A	03-283	27 IR 3134	*CPH (27 IR 3591)	326 IAC 23-1-4	A	02-189	26 IR 2407	<b>27 IR 459</b>
326 IAC 18-2-3	A	02-337	26 IR 2090	*ARR (27 IR 2500)	326 IAC 23-1-5	A	02-189	26 IR 2408	<b>27 IR 460</b>
				*CPH (27 IR 2521)	326 IAC 23-1-5.5	N	02-189	26 IR 2408	<b>27 IR 460</b>
				<b>28 IR 104</b>	326 IAC 23-1-6.5	N	02-189	26 IR 2408	<b>27 IR 460</b>
	A	03-283	27 IR 3136	*CPH (27 IR 3591)	326 IAC 23-1-7.5	N	02-189	26 IR 2408	<b>27 IR 460</b>
326 IAC 18-2-6	A	02-337	26 IR 2096	*ARR (27 IR 2500)	326 IAC 23-1-7.6	N	02-189	26 IR 2408	<b>27 IR 460</b>
				*CPH (27 IR 2521)	326 IAC 23-1-9	A	02-189	26 IR 2408	<b>27 IR 460</b>
				<b>28 IR 111</b>	326 IAC 23-1-10	A	02-189	26 IR 2409	<b>27 IR 461</b>
326 IAC 18-2-7	A	02-337	26 IR 2097	*ARR (27 IR 2500)	326 IAC 23-1-11	A	02-189	26 IR 2409	<b>27 IR 461</b>
				*CPH (27 IR 2521)	326 IAC 23-1-11.5	N	02-189	26 IR 2409	<b>27 IR 461</b>
				<b>28 IR 112</b>	326 IAC 23-1-12.5	N	02-189	26 IR 2409	<b>27 IR 461</b>
326 IAC 20-25-1	A	03-264	27 IR 3123	*CPH (27 IR 3590)	326 IAC 23-1-17	A	02-189	26 IR 2409	<b>27 IR 462</b>
326 IAC 20-25-2	A	03-264	27 IR 3124	*CPH (27 IR 3590)	326 IAC 23-1-21	A	02-189	26 IR 2410	<b>27 IR 462</b>
326 IAC 20-49	N	02-336	26 IR 3090	<b>27 IR 2473</b>	326 IAC 23-1-21.5	N	02-189	26 IR 2410	<b>27 IR 462</b>
326 IAC 20-50	N	02-336	26 IR 3090	<b>27 IR 2473</b>	326 IAC 23-1-22	A	02-189	26 IR 2437	<b>27 IR 462</b>
326 IAC 20-51	N	02-336	26 IR 3090	<b>27 IR 2473</b>	326 IAC 23-1-23	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-52	N	02-336	26 IR 3091	<b>27 IR 2473</b>	326 IAC 23-1-26.5	N	02-189	26 IR 2410	
326 IAC 20-53	N	02-336	26 IR 3091	<b>27 IR 2474</b>	326 IAC 23-1-27	A	02-189	26 IR 2410	<b>27 IR 462</b>
326 IAC 20-54	N	02-336	26 IR 3091	<b>27 IR 2474</b>	326 IAC 23-1-27.5	N	02-189	26 IR 2410	<b>27 IR 463</b>
326 IAC 20-55	N	02-336	26 IR 3091	<b>27 IR 2474</b>	326 IAC 23-1-31	A	02-337	26 IR 2099	*ARR (27 IR 2500)
326 IAC 20-56	N	03-264	27 IR 3126	*CPH (27 IR 3590)					*CPH (27 IR 2521)
326 IAC 20-57	N	03-284	27 IR 1618	*CPH (27 IR 1937)					<b>28 IR 114</b>
				<b>28 IR 119</b>	326 IAC 23-1-32.1	N	02-189	26 IR 2410	<b>27 IR 463</b>
326 IAC 20-58	N	03-284	27 IR 1619	*CPH (27 IR 1937)	326 IAC 23-1-32.2	N	02-189	26 IR 2411	<b>27 IR 463</b>
				<b>28 IR 119</b>	326 IAC 23-1-34	A	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-59	N	03-284	27 IR 1619	*CPH (27 IR 1937)	326 IAC 23-1-34.5	N	02-189	26 IR 2411	<b>27 IR 463</b>
				<b>28 IR 119</b>	326 IAC 23-1-34.8	N	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-60	N	03-284	27 IR 1619	*CPH (27 IR 1937)	326 IAC 23-1-37	R	02-189	26 IR 2437	<b>27 IR 490</b>
				<b>28 IR 119</b>	326 IAC 23-1-40	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-61	N	03-284	27 IR 1619	*CPH (27 IR 1937)	326 IAC 23-1-42	R	02-189	26 IR 2437	<b>27 IR 490</b>
				<b>28 IR 120</b>	326 IAC 23-1-43	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-62	N	03-284	27 IR 1619	*CPH (27 IR 1937)	326 IAC 23-1-44	R	02-189	26 IR 2437	<b>27 IR 490</b>
				<b>28 IR 120</b>	326 IAC 23-1-45	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-63	N	03-285	27 IR 2322	<b>28 IR 121</b>	326 IAC 23-1-46	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-64	N	03-285	27 IR 2322	<b>28 IR 121</b>	326 IAC 23-1-47	R	02-189	26 IR 2437	<b>27 IR 490</b>
326 IAC 20-65	N	03-285	27 IR 2322	<b>28 IR 121</b>	326 IAC 23-1-48.5	N	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-66	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-52	A	02-189	26 IR 2411	<b>27 IR 463</b>
326 IAC 20-67	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-52.5	N	02-189	26 IR 2411	<b>27 IR 464</b>
326 IAC 20-68	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-54.5	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-69	N	03-285	27 IR 2323	<b>28 IR 122</b>	326 IAC 23-1-55.5	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-70	N	03-284	27 IR 1620	*CPH (27 IR 1937)	326 IAC 23-1-58.5	N	02-189	26 IR 2412	<b>27 IR 464</b>
				<b>28 IR 120</b>	326 IAC 23-1-58.7	N	02-189	26 IR 2412	<b>27 IR 464</b>
326 IAC 20-71	N	04-107	27 IR 3168	*CPH (27 IR 3592)	326 IAC 23-1-60.1	N	02-189	26 IR 2412	<b>27 IR 464</b>
				*CPH (28 IR 234)	326 IAC 23-1-60.5	N	02-189	26 IR 2412	<b>27 IR 465</b>
326 IAC 20-72	N	04-107	27 IR 3169	*CPH (27 IR 3592)	326 IAC 23-1-60.6	N	02-189	26 IR 2413	<b>27 IR 465</b>
				*CPH (28 IR 234)	326 IAC 23-1-61.5	N	02-189	26 IR 2413	<b>27 IR 465</b>
326 IAC 20-73	N	04-107	27 IR 3169	*CPH (27 IR 3592)	326 IAC 23-1-62.5	N	02-189	26 IR 2413	<b>27 IR 465</b>
				*CPH (28 IR 234)					

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326 IAC 23-1-62.6	N	02-189	26 IR 2413	<b>27 IR 465</b>	327 IAC 5-2-15	A	03-129	27 IR 3694	
326 IAC 23-1-63	A	02-189	26 IR 2413	<b>27 IR 466</b>	327 IAC 5-3.5	N	03-130	28 IR 650	
326 IAC 23-1-64	A	02-189	26 IR 2414	<b>27 IR 466</b>	327 IAC 5-4-3	A	01-51	26 IR 3698	*CPH (27 IR 1195)
326 IAC 23-1-69.5	N	02-189	26 IR 2414	<b>27 IR 466</b>					<b>27 IR 2225</b>
326 IAC 23-1-69.6	N	02-189	26 IR 2414	<b>27 IR 466</b>	327 IAC 5-4-3.1	N	01-51		†† <b>27 IR 2230</b>
326 IAC 23-1-69.7	N	02-189	26 IR 2414	<b>27 IR 466</b>	327 IAC 5-4-6				*ERR (27 IR 191)
326 IAC 23-1-71	N	02-189	26 IR 2414	<b>27 IR 467</b>	327 IAC 15-2-3	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-2-1	A	02-189	26 IR 2414	<b>27 IR 467</b>					*CPH (26 IR 2392)
326 IAC 23-2-3	A	02-189	26 IR 2415	<b>27 IR 467</b>					*CPH (26 IR 2645)
326 IAC 23-2-4	A	02-189	26 IR 2416	<b>27 IR 469</b>					<b>27 IR 830</b>
326 IAC 23-2-5	A	02-189	26 IR 2418	<b>27 IR 471</b>	327 IAC 15-2-6	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-2-6	A	02-189	26 IR 2419	<b>27 IR 471</b>					*CPH (26 IR 2392)
326 IAC 23-2-6.5	N	02-189	26 IR 2419	<b>27 IR 472</b>					*CPH (26 IR 2645)
326 IAC 23-2-7	A	02-189	26 IR 2420	<b>27 IR 473</b>					<b>27 IR 830</b>
326 IAC 23-2-8	A	02-189	26 IR 2421	<b>27 IR 474</b>	327 IAC 15-2-8	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-2-9	A	02-189	26 IR 2422	<b>27 IR 474</b>					*CPH (26 IR 2392)
326 IAC 23-3-1	A	02-189	26 IR 2422	<b>27 IR 475</b>					*CPH (26 IR 2645)
326 IAC 23-3-2	A	02-189	26 IR 2422	<b>27 IR 475</b>					<b>27 IR 831</b>
326 IAC 23-3-3	A	02-189	26 IR 2423	<b>27 IR 476</b>	327 IAC 15-2-9	A	01-95	26 IR 1615	*CPH (26 IR 1961)
326 IAC 23-3-5	A	02-189	26 IR 2426	<b>27 IR 479</b>					*CPH (26 IR 2392)
326 IAC 23-3-7	A	02-189	26 IR 2426	<b>27 IR 479</b>					*CPH (26 IR 2645)
326 IAC 23-3-11	A	02-189	26 IR 2428	<b>27 IR 480</b>					<b>27 IR 831</b>
326 IAC 23-3-12	A	02-189	26 IR 2428	<b>27 IR 481</b>	327 IAC 15-3-1	A	01-95	26 IR 1616	*CPH (26 IR 1961)
326 IAC 23-3-13	A	02-189	26 IR 2428	<b>27 IR 481</b>					*CPH (26 IR 2392)
326 IAC 23-4-1	A	02-189	26 IR 2429	<b>27 IR 481</b>					*CPH (26 IR 2645)
326 IAC 23-4-2	A	02-189	26 IR 2429	<b>27 IR 482</b>					<b>27 IR 832</b>
326 IAC 23-4-3	A	02-189	26 IR 2429	<b>27 IR 482</b>	327 IAC 15-3-2	A	01-95	26 IR 1616	*CPH (26 IR 1961)
326 IAC 23-4-4	A	02-189	26 IR 2430	<b>27 IR 483</b>					*CPH (26 IR 2392)
326 IAC 23-4-5	A	02-189	26 IR 2431	<b>27 IR 484</b>					*CPH (26 IR 2645)
326 IAC 23-4-6	A	02-189	26 IR 2432	<b>27 IR 485</b>					<b>27 IR 832</b>
326 IAC 23-4-7	A	02-189	26 IR 2434	<b>27 IR 486</b>					*CPH (26 IR 3366)
326 IAC 23-4-9	A	02-189	26 IR 2434	<b>27 IR 487</b>					<b>27 IR 1563</b>
326 IAC 23-4-11	A	02-189	26 IR 2435	<b>27 IR 488</b>	327 IAC 15-3-3	A	01-95	26 IR 1617	*CPH (26 IR 1961)
326 IAC 23-4-12	A	02-189	26 IR 2435	<b>27 IR 488</b>					*CPH (26 IR 2392)
326 IAC 23-4-13	A	02-189	26 IR 2435	<b>27 IR 488</b>					*CPH (26 IR 2645)
326 IAC 23-5	N	02-189	26 IR 2436	<b>27 IR 489</b>					<b>27 IR 832</b>
TITLE 327 WATER POLLUTION CONTROL BOARD					327 IAC 15-5-1	A	01-95	26 IR 1617	*CPH (26 IR 1961)
327 IAC 1-1-1	A	03-129	27 IR 3608						*CPH (26 IR 2392)
327 IAC 1-1-2	A	03-129	27 IR 3608						*CPH (26 IR 2645)
327 IAC 1-1-3	A	03-129	27 IR 3608		327 IAC 15-5-2	A	01-95	26 IR 1617	<b>27 IR 833</b>
327 IAC 2-1-5	A	03-129	27 IR 3608						*CPH (26 IR 1961)
327 IAC 2-1-6	A	03-129	27 IR 3609						*CPH (26 IR 2392)
327 IAC 2-1-8	A	03-129	27 IR 3617						*CPH (26 IR 2645)
327 IAC 2-1-8.1	A	03-129	27 IR 3617		327 IAC 15-5-3	A	01-95	26 IR 1618	<b>27 IR 833</b>
327 IAC 2-1-8.2	A	03-129	27 IR 3618						*CPH (26 IR 1961)
327 IAC 2-1-8.3	A	03-129	27 IR 3620						*CPH (26 IR 2392)
327 IAC 2-1-8.9	N	03-129	27 IR 3621						*CPH (26 IR 2645)
327 IAC 2-1-9	A	03-129	27 IR 3622						<b>27 IR 834</b>
327 IAC 2-1-12	A	03-129	27 IR 3627		327 IAC 15-5-4	A	01-95	26 IR 1619	*CPH (26 IR 1961)
327 IAC 2-1-13	N	03-129	27 IR 3627						*CPH (26 IR 2392)
327 IAC 2-1.5-2	A	03-129	27 IR 3631						*CPH (26 IR 2645)
327 IAC 2-1.5-6	A	03-129	27 IR 3637						<b>27 IR 834</b>
327 IAC 2-1.5-8	A	03-129	27 IR 3638						*ERR (27 IR 2284)
327 IAC 2-1.5-10	A	03-129	27 IR 3650		327 IAC 15-5-5	A	01-95	26 IR 1620	*CPH (26 IR 1961)
327 IAC 2-1.5-11	A	03-129	27 IR 3651						*CPH (26 IR 2392)
327 IAC 2-1.5-16	A	03-129	27 IR 3660						*CPH (26 IR 2645)
327 IAC 2-1.5-20	A	03-129	27 IR 3662						<b>27 IR 836</b>
327 IAC 2-4-3	A	03-129	27 IR 3663		327 IAC 15-5-6	A	01-95	26 IR 1621	*CPH (26 IR 1961)
327 IAC 5-1-1.5	A	02-327	26 IR 3097	*CPH (26 IR 3366)					*CPH (26 IR 2392)
				<b>27 IR 1563</b>					*CPH (26 IR 2645)
327 IAC 5-1.5-72	A	03-129	27 IR 3663						<b>27 IR 837</b>
327 IAC 5-2-1.5	A	03-129	27 IR 3663						*ERR (27 IR 2284)
327 IAC 5-2-11.1	A	03-129	27 IR 3664		327 IAC 15-5-6.5	N	01-95	26 IR 1622	*CPH (26 IR 1961)
327 IAC 5-2-11.2	A	03-129	27 IR 3668						*CPH (26 IR 2392)
327 IAC 5-2-11.4	A	03-129	27 IR 3669						*CPH (26 IR 2645)
327 IAC 5-2-11.5	A	03-129	27 IR 3679						<b>27 IR 838</b>
327 IAC 5-2-11.6	A	03-129	27 IR 3689						*ERR (27 IR 2284)
327 IAC 5-2-13	A	03-129	27 IR 3694						

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327 IAC 15-5-7	A	01-95	26 IR 1625	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 840</b> *ERR (27 IR 2284)	327 IAC 15-6-11	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b>
327 IAC 15-5-7.5	N	01-95	26 IR 1627	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 843</b>	327 IAC 15-6-12	N	01-95	26 IR 1644	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 860</b> *ERR (27 IR 2285)
327 IAC 15-5-8	A	01-95	26 IR 1628	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 843</b>	327 IAC 15-13 327 IAC 15-14	N	02-327	26 IR 3098	*ERR (27 IR 191) *CPH (26 IR 3366) <b>27 IR 1563</b>
327 IAC 15-5-10	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 844</b>	327 IAC 15-15	N	01-51	26 IR 3701	*ERR (28 IR 214) *CPH (27 IR 1195) <b>27 IR 2230</b>
327 IAC 15-5-11	R	01-95	26 IR 1646	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 863</b>	TITLE 328 UNDERGROUND STORAGE TANK FINANCIAL ASSURANCE BOARD				
327 IAC 15-5-12	N	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 844</b>	328 IAC 1-1-2	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 123</b>
327 IAC 15-6-1	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 845</b>	328 IAC 1-1-3	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 123</b>
327 IAC 15-6-2	A	01-95	26 IR 1629	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 845</b> *ERR (27 IR 2284)	328 IAC 1-1-4	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 124</b>
327 IAC 15-6-4	A	01-95	26 IR 1632	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 848</b>	328 IAC 1-1-5.1	A	02-204	27 IR 2778	*CPH (27 IR 3095) <b>28 IR 124</b>
327 IAC 15-6-5	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>	328 IAC 1-1-7.5	N	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 124</b>
327 IAC 15-6-6	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b>	328 IAC 1-1-8	R	02-204	27 IR 2797	*CPH (27 IR 3095) <b>28 IR 144</b>
327 IAC 15-6-7	A	01-95	26 IR 1635	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 851</b> *ERR (27 IR 2284)	328 IAC 1-1-8.3	N	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 124</b>
327 IAC 15-6-7.3	N	01-95	26 IR 1641	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 857</b>	328 IAC 1-1-8.5	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>
327 IAC 15-6-7.5	N	01-95	26 IR 1643	*ERR (27 IR 2285) *CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 858</b>	328 IAC 1-1-9	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>
327 IAC 15-6-8.5	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b>	328 IAC 1-1-10	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>
327 IAC 15-6-9	A	01-95		†† <b>27 IR 859</b>	328 IAC 1-2-1	A	02-204	27 IR 2779	*CPH (27 IR 3095) <b>28 IR 125</b>
327 IAC 15-6-10	N	01-95	26 IR 1643	*CPH (26 IR 1961) *CPH (26 IR 2392) *CPH (26 IR 2645) <b>27 IR 859</b>	328 IAC 1-2-3	A	02-204	27 IR 2780	*CPH (27 IR 3095) <b>28 IR 125</b>
					328 IAC 1-3-1	A	02-204	27 IR 2780	*CPH (27 IR 3095) <b>28 IR 126</b>
					328 IAC 1-3-1.3	N	02-204	27 IR 2780	*CPH (27 IR 3095) <b>28 IR 126</b>
					328 IAC 1-3-1.6	N	02-204	27 IR 2781	*CPH (27 IR 3095) <b>28 IR 127</b>
					328 IAC 1-3-2	A	02-204	27 IR 2781	*CPH (27 IR 3095) <b>28 IR 127</b>
					328 IAC 1-3-3	A	02-204	27 IR 2781	*CPH (27 IR 3095) <b>28 IR 127</b>
					328 IAC 1-3-4	A	02-204	27 IR 2783	*ERR (28 IR 608) *CPH (27 IR 3095) <b>28 IR 129</b>
					328 IAC 1-3-5	A	02-204	27 IR 2784	*CPH (27 IR 3095) <b>28 IR 129</b>
					328 IAC 1-3-6	A	02-204	27 IR 2791	*CPH (27 IR 3095) <b>28 IR 137</b>
					328 IAC 1-4-1	A	02-204	27 IR 2791	*CPH (27 IR 3095) <b>28 IR 137</b>
					328 IAC 1-4-1.5	N	02-204		*ERR (28 IR 608) †† <b>28 IR 140</b>
					328 IAC 1-4-3	A	02-204	27 IR 2794	*CPH (27 IR 3095) <b>28 IR 141</b>
					328 IAC 1-4-4	N	02-204	27 IR 2795	*ERR (28 IR 608) *CPH (27 IR 3095) <b>28 IR 141</b> *ERR (28 IR 608)



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			*CPH (26 IR 3367)				*CPH (26 IR 3073)
			*CPH (26 IR 3671)				*CPH (26 IR 3367)
			*CPH (27 IR 2299)				*CPH (26 IR 3671)
			*CPH (27 IR 2300)				*CPH (27 IR 2299)
			*ARR (27 IR 2500)				*CPH (27 IR 2300)
			*CPH (27 IR 2521)				*ARR (27 IR 2500)
		27 IR 3209	<b>28 IR 177</b>				*CPH (27 IR 2521)
329 IAC 9-1-14.3	N 01-161	26 IR 1210	*CPH (26 IR 1962)			27 IR 3179	<b>28 IR 147</b>
			*CPH (26 IR 2646)	329 IAC 9-1-36.5	N 01-161	27 IR 3179	<b>28 IR 147</b>
			*CPH (26 IR 3073)	329 IAC 9-1-39.5	N 01-161	26 IR 1211	*CPH (26 IR 1962)
			*CPH (26 IR 3367)				*CPH (26 IR 2646)
			*CPH (26 IR 3671)				*CPH (26 IR 3073)
			*CPH (27 IR 2299)				*CPH (26 IR 3367)
			*CPH (27 IR 2300)				*CPH (26 IR 3671)
			*ARR (27 IR 2500)				*CPH (27 IR 2299)
			*CPH (27 IR 2521)				*CPH (27 IR 2300)
		27 IR 3178	<b>28 IR 146</b>				*ARR (27 IR 2500)
329 IAC 9-1-14.5	N 01-161	26 IR 1210	*CPH (26 IR 1962)				*CPH (27 IR 2521)
			*CPH (26 IR 2646)			27 IR 3179	<b>28 IR 147</b>
			*CPH (26 IR 3073)	329 IAC 9-1-41	R 01-161	26 IR 1239	*CPH (26 IR 1962)
			*CPH (26 IR 3367)				*CPH (26 IR 2646)
			*CPH (26 IR 3671)				*CPH (26 IR 3073)
			*CPH (27 IR 2299)				*CPH (26 IR 3367)
			*CPH (27 IR 2300)				*CPH (26 IR 3671)
			*ARR (27 IR 2500)				*CPH (27 IR 2299)
			*CPH (27 IR 2521)				*CPH (27 IR 2300)
		27 IR 3178	<b>28 IR 146</b>				*ARR (27 IR 2500)
329 IAC 9-1-14.7	N 01-161	26 IR 1210	*CPH (26 IR 1962)				*CPH (27 IR 2521)
			*CPH (26 IR 2646)			27 IR 3209	<b>28 IR 177</b>
			*CPH (26 IR 3073)	329 IAC 9-1-41.1	R 01-161	26 IR 1239	*CPH (26 IR 1962)
			*CPH (26 IR 3367)				*CPH (26 IR 2646)
			*CPH (26 IR 3671)				*CPH (26 IR 3073)
			*CPH (27 IR 2299)				*CPH (26 IR 3367)
			*CPH (27 IR 2300)				*CPH (26 IR 3671)
			*ARR (27 IR 2500)				*CPH (27 IR 2299)
			*CPH (27 IR 2521)				*CPH (27 IR 2300)
		27 IR 3178	<b>28 IR 146</b>				*ARR (27 IR 2500)
329 IAC 9-1-25	A 01-161	26 IR 1210	*CPH (26 IR 1962)				*CPH (27 IR 2521)
			*CPH (26 IR 2646)			27 IR 3209	<b>28 IR 177</b>
			*CPH (26 IR 3073)	329 IAC 9-1-41.5	N 01-161	26 IR 1211	*CPH (26 IR 1962)
			*CPH (26 IR 3367)				*CPH (26 IR 2646)
			*CPH (26 IR 3671)				*CPH (26 IR 3073)
			*CPH (27 IR 2299)				*CPH (26 IR 3367)
			*CPH (27 IR 2300)				*CPH (26 IR 3671)
			*ARR (27 IR 2500)				*CPH (27 IR 2299)
			*CPH (27 IR 2521)				*CPH (27 IR 2300)
		27 IR 3178	<b>28 IR 146</b>				*ARR (27 IR 2500)
329 IAC 9-1-27	A 01-161	26 IR 1210	*CPH (26 IR 1962)				*CPH (27 IR 2521)
			*CPH (26 IR 2646)			27 IR 3179	<b>28 IR 147</b>
			*CPH (26 IR 3073)	329 IAC 9-1-42.1	R 01-161	26 IR 1239	*CPH (26 IR 1962)
			*CPH (26 IR 3367)				*CPH (26 IR 2646)
			*CPH (26 IR 3671)				*CPH (26 IR 3073)
			*CPH (27 IR 2299)				*CPH (26 IR 3367)
			*CPH (27 IR 2300)				*CPH (26 IR 3671)
			*ARR (27 IR 2500)				*CPH (27 IR 2299)
			*CPH (27 IR 2521)				*CPH (27 IR 2300)
		27 IR 3178	<b>28 IR 147</b>				*ARR (27 IR 2500)
329 IAC 9-1-29.1	R 01-161	26 IR 1239	*CPH (26 IR 1962)				*CPH (27 IR 2521)
			*CPH (26 IR 2646)			27 IR 3209	<b>28 IR 177</b>
			*CPH (26 IR 3073)	329 IAC 9-1-47	A 01-161	26 IR 1211	*CPH (26 IR 1962)
			*CPH (26 IR 3367)				*CPH (26 IR 2646)
			*CPH (26 IR 3671)				*CPH (26 IR 3073)
			*CPH (27 IR 2299)				*CPH (26 IR 3367)
			*CPH (27 IR 2300)				*CPH (26 IR 3671)
			*ARR (27 IR 2500)				*CPH (27 IR 2299)
			*CPH (27 IR 2521)				*CPH (27 IR 2300)
		27 IR 3209	<b>28 IR 177</b>				*ARR (27 IR 2500)
329 IAC 9-1-36	A 01-161	26 IR 1210	*CPH (26 IR 1962)				*CPH (27 IR 2521)
			*CPH (26 IR 2646)			27 IR 3179	<b>28 IR 147</b>

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329 IAC 9-1-47.1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-3.1-2	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	<b>28 IR 147</b>				27 IR 3187	<b>28 IR 155</b>
329 IAC 9-2-1	A	01-161	26 IR 1211	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-3.1-3	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3179	<b>28 IR 148</b>				27 IR 3188	<b>28 IR 156</b>
329 IAC 9-2-2	A	01-161	26 IR 1214	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-3.1-4	A	01-161	26 IR 1219	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3182	<b>28 IR 150</b>				27 IR 3188	<b>28 IR 156</b>
329 IAC 9-2.1-1	A	01-161	26 IR 1215	*ERR (28 IR 608) *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-4-3	A	01-161	26 IR 1220	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3183	<b>28 IR 151</b>				27 IR 3189	<b>28 IR 157</b>
329 IAC 9-3-1	A	01-161	26 IR 1216	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-4-4	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3184	<b>28 IR 152</b>				27 IR 3189	<b>28 IR 158</b>
329 IAC 9-3-2	N	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-1	A	01-161	26 IR 1221	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3184	<b>28 IR 152</b>				27 IR 3189	<b>28 IR 158</b>
329 IAC 9-3.1-1	A	01-161	26 IR 1218	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-5-2	A	01-161	26 IR 1223	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3187	<b>28 IR 155</b>				27 IR 3191	<b>28 IR 160</b>

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329 IAC 9-5-3.1	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-1	A	01-161	26 IR 1229	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-3.2	N	01-161	26 IR 1223	27 IR 3209 <b>28 IR 177</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-2	R	01-161	26 IR 1239	27 IR 3199 <b>28 IR 168</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-4.1	R	01-161	26 IR 1239	27 IR 3192 <b>28 IR 160</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-2.5	N	01-161	26 IR 1230	27 IR 3209 <b>28 IR 177</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-4.2	N	01-161	26 IR 1224	27 IR 3209 <b>28 IR 177</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-3	A	01-161	26 IR 1234	27 IR 3200 <b>28 IR 168</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-5.1	A	01-161	26 IR 1224	27 IR 3192 <b>28 IR 160</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-4	A	01-161	26 IR 1234	27 IR 3204 <b>28 IR 172</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-6	A	01-161	26 IR 1226	27 IR 3193 <b>28 IR 161</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-6-5	A	01-161	26 IR 1235	27 IR 3204 <b>28 IR 173</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
329 IAC 9-5-7	A	01-161	26 IR 1227	27 IR 3196 <b>28 IR 164</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 9-7-1	A	01-161	26 IR 1235	27 IR 3205 <b>28 IR 173</b> *CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)
			27 IR 3196	<b>28 IR 165</b>				27 IR 3205	<b>28 IR 173</b>

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329 IAC 9-7-2	A	01-161	26 IR 1236	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-2-33	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
			27 IR 3206	<b>28 IR 174</b>	329 IAC 10-2-41	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1792</b>
329 IAC 9-7-4	A	01-161	26 IR 1237	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-2-41.1	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
			27 IR 3207	<b>28 IR 175</b>	329 IAC 10-2-53	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 9-7-5	A	01-161	27 IR 3209	<b>28 IR 177</b>					
329 IAC 9-7-6	R	01-161	26 IR 1239	*CPH (26 IR 1962) *CPH (26 IR 2646) *CPH (26 IR 3073) *CPH (26 IR 3367) *CPH (26 IR 3671) *CPH (27 IR 2299) *CPH (27 IR 2300) *ARR (27 IR 2500) *CPH (27 IR 2521)	329 IAC 10-2-60	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
			27 IR 3209	<b>28 IR 177</b>	329 IAC 10-2-63.5	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-1-2.5	N	00-185		†† <b>27 IR 1791</b>					
329 IAC 10-1-4	A	00-185	26 IR 432	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1791</b>	329 IAC 10-2-64	A	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-1-4.5	N	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1792</b>	329 IAC 10-2-66.1	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-6	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-66.2	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-11	A	00-185	26 IR 433	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1792</b>	329 IAC 10-2-66.3	N	00-185	26 IR 434	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-29	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-69	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-29.5	N	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3958</b>	329 IAC 10-2-72.1	A	01-288	26 IR 1654	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1793</b>
329 IAC 10-2-32	A	01-288	26 IR 1653	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3958</b>					*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3958</b>

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329 IAC 10-2-74	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-112	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>
329 IAC 10-2-75	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-115	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3959</b>
329 IAC 10-2-75.1	N	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-116	A	01-288	26 IR 1654	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3959</b>
329 IAC 10-2-76	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-121.1	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-96	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-127	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 10-2-97.1	A	00-185	26 IR 435	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1794</b>	329 IAC 10-2-128	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 10-2-99	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-130	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3959</b>
329 IAC 10-2-100	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-132.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-105.3	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-132.3	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
329 IAC 10-2-106	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3366) *CPH (26 IR 3073) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-135.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-109	A	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1795</b>	329 IAC 10-2-135.5	N	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>
329 IAC 10-2-111.5	N	00-185	26 IR 436	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)	329 IAC 10-2-142.5	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>
					329 IAC 10-2-147.2	N	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208)

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329 IAC 10-2-149	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-2-199.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-151	A	00-185		†† <b>27 IR 1796</b>	329 IAC 10-2-201.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-158	A	00-185	26 IR 437	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1796</b>	329 IAC 10-2-203	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 10-2-165.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-2-205	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>
329 IAC 10-2-172.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-3-1	A	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>
329 IAC 10-2-174	A	01-288	26 IR 1655	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>	329 IAC 10-3-2	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1798</b>
329 IAC 10-2-177	R	00-185	26 IR 511	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1873</b>	329 IAC 10-3-3	A	00-185	26 IR 439	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1798</b>
329 IAC 10-2-179	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>	329 IAC 10-5-1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>
329 IAC 10-2-181.2	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-6-4	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1799</b>
329 IAC 10-2-181.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-7.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-181.6	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-7.2	N	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3961</b>
329 IAC 10-2-187.5	N	00-185	26 IR 438	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1797</b>	329 IAC 10-8.1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-2-197.1	A	01-288	26 IR 1656	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3960</b>	329 IAC 10-8.2	N	01-288	26 IR 1657	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3961</b>
					329 IAC 10-9-2	A	01-288	26 IR 1659	*ERR (28 IR 608) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3963</b> *ERR (28 IR 608)

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329 IAC 10-9-4	A	01-288	26 IR 1659	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3963</b> *ERR (28 IR 608)	329 IAC 10-14-2	A	01-288	26 IR 1661	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3966</b>
329 IAC 10-10-1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1799</b>	329 IAC 10-15-1	A	00-185	26 IR 447	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1808</b>
329 IAC 10-10-2	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1801</b>	329 IAC 10-15-2	A	00-185	26 IR 448	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1809</b>
329 IAC 10-11-2.1	A	00-185	26 IR 440	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1801</b>	329 IAC 10-15-5	A	00-185	26 IR 449	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1810</b>
329 IAC 10-11-2.5	A	00-185	26 IR 441	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1802</b>	329 IAC 10-15-8	A	00-185	26 IR 450	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1810</b>
329 IAC 10-11-5.1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1803</b>	329 IAC 10-15-12	N	00-185	26 IR 451	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1812</b>
329 IAC 10-11-6	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1804</b>	329 IAC 10-16-1	A	00-185	26 IR 452	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1813</b>
329 IAC 10-12-1	A	00-185	26 IR 443	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1804</b>	329 IAC 10-16-8	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1814</b>
329 IAC 10-13-1	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>	329 IAC 10-17-2	A	00-185	26 IR 453	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1814</b>
329 IAC 10-13-5	A	00-185	26 IR 445	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>	329 IAC 10-17-7	A	00-185	26 IR 454	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1815</b>
329 IAC 10-13-6	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1806</b>	329 IAC 10-17-9	A	00-185	26 IR 456	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1817</b>
329 IAC 10-14-1	A	00-185	26 IR 446	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1807</b>	329 IAC 10-17-12	A	00-185	26 IR 457	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1818</b>

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329 IAC 10-17-18	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1819</b>	329 IAC 10-20-29	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3979</b>
329 IAC 10-19-1	A	00-185	26 IR 458	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1819</b>	329 IAC 10-21-1	A	00-185	26 IR 465	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1826</b>
329 IAC 10-20-3	A	00-185	26 IR 459	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1819</b>	329 IAC 10-21-2	A	00-185	26 IR 468	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1830</b>
329 IAC 10-20-8	A	00-185	26 IR 460	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1821</b>	329 IAC 10-21-4	A	00-185	26 IR 474	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1835</b>
329 IAC 10-20-11	A	00-185	26 IR 461	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1821</b>	329 IAC 10-21-6	A	00-185	26 IR 477	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1838</b>
329 IAC 10-20-12	A	00-185	26 IR 462	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1822</b>	329 IAC 10-21-7	A	00-185	26 IR 479	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1840</b>
329 IAC 10-20-13	A	00-185	26 IR 463	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1823</b>	329 IAC 10-21-8	A	00-185	26 IR 480	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1841</b>
329 IAC 10-20-14.1	A	01-288	26 IR 1662	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1824</b>	329 IAC 10-21-9	A	00-185	26 IR 481	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1842</b>
329 IAC 10-20-20	A	00-185	26 IR 463	*ERR (28 IR 608) *CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1824</b>	329 IAC 10-21-10	A	00-185	26 IR 482	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1843</b>
329 IAC 10-20-24	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>	329 IAC 10-21-13	A	00-185	26 IR 484	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1845</b>
329 IAC 10-20-26	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>	329 IAC 10-21-15	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1849</b>
329 IAC 10-20-28	A	00-185	26 IR 464	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1825</b>	329 IAC 10-21-16	A	00-185	26 IR 488	*CPH (26 IR 2392) *CPH (26 IR 3073) *CPH (26 IR 3366) *CPH (26 IR 3671) *CPH (27 IR 208) <b>27 IR 1850</b>

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329 IAC 10-21-17	N	00-185		†† <b>27 IR 1855</b>	329 IAC 10-29-1	A	00-185	26 IR 499	*CPH (26 IR 2392)
329 IAC 10-22-2	A	00-185	26 IR 493	*CPH (26 IR 2392)					*CPH (26 IR 3073)
				*CPH (26 IR 3073)					*CPH (26 IR 3366)
				*CPH (26 IR 3366)					*CPH (26 IR 3671)
				*CPH (26 IR 3671)					*CPH (27 IR 208)
				*CPH (27 IR 208)					<b>27 IR 1862</b>
				<b>27 IR 1855</b>	329 IAC 10-30-4	A	00-185	26 IR 500	*CPH (26 IR 2392)
329 IAC 10-22-3	A	00-185	26 IR 494	*CPH (26 IR 2392)					*CPH (26 IR 3073)
				*CPH (26 IR 3073)					*CPH (26 IR 3366)
				*CPH (26 IR 3366)					*CPH (26 IR 3671)
				*CPH (26 IR 3671)					*CPH (27 IR 208)
				*CPH (27 IR 208)					<b>27 IR 1862</b>
				<b>27 IR 1856</b>	329 IAC 10-36-19	A	01-288	26 IR 1665	*CPH (26 IR 2647)
329 IAC 10-22-5	A	00-185	26 IR 494	*CPH (26 IR 2392)					*CPH (26 IR 3672)
				*CPH (26 IR 3073)					*CPH (26 IR 3903)
				*CPH (26 IR 3366)					<b>27 IR 3969</b>
				*CPH (26 IR 3671)					*ERR (28 IR 608)
				*CPH (27 IR 208)	329 IAC 10-37-4	A	00-185	26 IR 501	*CPH (26 IR 2392)
				<b>27 IR 1856</b>					*CPH (26 IR 3073)
329 IAC 10-22-6	A	00-185	26 IR 494	*CPH (26 IR 2392)					*CPH (26 IR 3366)
				*CPH (26 IR 3073)					*CPH (26 IR 3671)
				*CPH (26 IR 3366)					*CPH (27 IR 208)
				*CPH (26 IR 3671)					<b>27 IR 1863</b>
				*CPH (27 IR 208)	329 IAC 10-39-1	A	00-185	26 IR 501	*CPH (26 IR 2392)
				<b>27 IR 1856</b>					*CPH (26 IR 3073)
329 IAC 10-22-7	A	00-185	26 IR 495	*CPH (26 IR 2392)					*CPH (26 IR 3366)
				*CPH (26 IR 3073)					*CPH (26 IR 3671)
				*CPH (26 IR 3366)					*CPH (27 IR 208)
				*CPH (26 IR 3671)					<b>27 IR 1864</b>
				*CPH (27 IR 208)	329 IAC 10-39-2	A	00-185	26 IR 502	*CPH (26 IR 2392)
				<b>27 IR 1857</b>					*CPH (26 IR 3073)
329 IAC 10-22-8	A	00-185	26 IR 496	*CPH (26 IR 2392)					*CPH (26 IR 3366)
				*CPH (26 IR 3073)					*CPH (26 IR 3671)
				*CPH (26 IR 3366)					*CPH (27 IR 208)
				*CPH (26 IR 3671)					<b>27 IR 1864</b>
				*CPH (27 IR 208)	329 IAC 10-39-3	A	00-185	26 IR 508	*CPH (26 IR 2392)
				<b>27 IR 1858</b>					*CPH (26 IR 3073)
329 IAC 10-23-2	A	00-185	26 IR 496	*CPH (26 IR 2392)					*CPH (26 IR 3366)
				*CPH (26 IR 3073)					*CPH (26 IR 3671)
				*CPH (26 IR 3366)					*CPH (27 IR 208)
				*CPH (26 IR 3671)					<b>27 IR 1870</b>
				*CPH (27 IR 208)	329 IAC 10-39-7	A	00-185	26 IR 509	*CPH (26 IR 2392)
				<b>27 IR 1859</b>					*CPH (26 IR 3073)
329 IAC 10-23-3	A	00-185	26 IR 497	*CPH (26 IR 2392)					*CPH (26 IR 3366)
				*CPH (26 IR 3073)					*CPH (26 IR 3671)
				*CPH (26 IR 3366)					*CPH (27 IR 208)
				*CPH (26 IR 3671)					<b>27 IR 1871</b>
				*CPH (27 IR 208)	329 IAC 10-39-9	A	00-185	26 IR 509	*CPH (26 IR 2392)
				<b>27 IR 1859</b>					*CPH (26 IR 3073)
329 IAC 10-23-4	A	00-185	26 IR 498	*CPH (26 IR 2392)					*CPH (26 IR 3366)
				*CPH (26 IR 3073)					*CPH (26 IR 3671)
				*CPH (26 IR 3366)					*CPH (27 IR 208)
				*CPH (26 IR 3671)					<b>27 IR 1871</b>
				*CPH (27 IR 208)	329 IAC 10-39-10	A	00-185	26 IR 510	*CPH (26 IR 2392)
				<b>27 IR 1861</b>					*CPH (26 IR 3073)
329 IAC 10-24-4	A	00-185	26 IR 499	*CPH (26 IR 2392)					*CPH (26 IR 3366)
				*CPH (26 IR 3073)					*CPH (26 IR 3671)
				*CPH (26 IR 3366)					*CPH (27 IR 208)
				*CPH (26 IR 3671)					<b>27 IR 1872</b>
				*CPH (27 IR 208)	329 IAC 11-2-19.5	N	01-288	26 IR 1665	*CPH (26 IR 2647)
				<b>27 IR 1861</b>					*CPH (26 IR 3672)
329 IAC 10-28-21	R	01-288	26 IR 1674	*CPH (26 IR 2647)					*CPH (26 IR 3903)
				*CPH (26 IR 3672)					<b>27 IR 3970</b>
				*CPH (26 IR 3903)	329 IAC 11-2-39	A	01-288	26 IR 1666	*CPH (26 IR 2647)
				<b>27 IR 3980</b>					*CPH (26 IR 3672)
329 IAC 10-28-24	A	01-288	26 IR 1664	*CPH (26 IR 2647)					*CPH (26 IR 3903)
				*CPH (26 IR 3672)					<b>27 IR 3970</b>
				*CPH (26 IR 3903)	329 IAC 11-2-44	R	01-288	26 IR 1674	*CPH (26 IR 2647)
				<b>27 IR 3969</b>					*CPH (26 IR 3672)
									*CPH (26 IR 3903)
									<b>27 IR 3980</b>

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329 IAC 11-3-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3971</b> *ERR (28 IR 608)	329 IAC 11-21-8	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3977</b>
329 IAC 11-6-1	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3980</b>	329 IAC 12-8-4	A	01-288	26 IR 1672	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3977</b>
329 IAC 11-7	R	01-288	26 IR 1674	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3980</b>	329 IAC 12-8-5	A	03-286	27 IR 3696	
					329 IAC 12-9-2	A	03-286	27 IR 3698	
					329 IAC 13-3-1	A	01-288	26 IR 1673	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3978</b>
329 IAC 11-8-2	A	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3971</b>		A	03-312	27 IR 4115	
329 IAC 11-8-2.5	N	01-288	26 IR 1666	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3971</b> *ERR (28 IR 608)	329 IAC 13-3-4	N	03-312	27 IR 4116	
					329 IAC 13-9-5	A	03-312	27 IR 4117	
					329 IAC 15-1-1				*ER (28 IR 214)
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329 IAC 11-8-3	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3972</b>	345 IAC 1-3-6.5	R	04-147	27 IR 4136	
					345 IAC 1-3-7	A	04-147	27 IR 4120	
					345 IAC 1-3-9	R	04-147	27 IR 4136	
					345 IAC 1-3-10	A	04-147	27 IR 4121	
					345 IAC 1-3-22	A	03-9	26 IR 3108	<b>27 IR 490</b>
329 IAC 11-9-6	N	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3972</b>	345 IAC 1-3-30	A	02-323	26 IR 3102	<b>27 IR 87</b>
					345 IAC 1-3-31	N	02-323	26 IR 3104	<b>27 IR 89</b>
					345 IAC 1-3-32	N	02-323	26 IR 3104	<b>27 IR 90</b>
					345 IAC 1-5-1	A	03-9	26 IR 3108	<b>27 IR 491</b>
329 IAC 11-13-4	A	01-288	26 IR 1667	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3972</b>	345 IAC 1-6-2	A	02-323	26 IR 3105	<b>27 IR 90</b>
					345 IAC 1-6-3	A	02-323	26 IR 3105	<b>27 IR 90</b>
					345 IAC 2-4.1	R	04-147	27 IR 4136	
329 IAC 11-13-6	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3973</b>	345 IAC 2-7-2.4	N	02-323	26 IR 3106	<b>27 IR 92</b>
					345 IAC 2-7-2.5	N	02-323	26 IR 3107	<b>27 IR 92</b>
					345 IAC 2-7-3	A	02-323	26 IR 3107	<b>27 IR 92</b>
					345 IAC 2.5	N	04-147	27 IR 4121	
329 IAC 11-15-1	A	01-288	26 IR 1668	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3973</b>	345 IAC 4-4-1	A	04-135	27 IR 4118	
					345 IAC 6-2	N	04-158	28 IR 1000	
					345 IAC 7-3.5-16	A	04-15	27 IR 2328	<b>27 IR 3982</b>
					345 IAC 7-5-12	A	04-147	27 IR 4135	
329 IAC 11-19-2	A	01-288	26 IR 1669	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3974</b>	345 IAC 7-5-15.1	A	04-16	27 IR 2797	<b>28 IR 559</b>
					345 IAC 7-5-22	A	04-16	27 IR 2798	<b>28 IR 559</b>
					345 IAC 9-2.1-1	A	04-15	27 IR 2329	<b>27 IR 3982</b>
					345 IAC 9-10.5-2	N	04-15	27 IR 2329	<b>27 IR 3983</b>
329 IAC 11-19-3	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3974</b> *ERR (28 IR 608)	345 IAC 10-2-5	N	04-135	27 IR 4119	
					345 IAC 10-2.1-1	A	04-135	27 IR 4119	
<b>TITLE 357 INDIANA PESTICIDE REVIEW BOARD</b>									
329 IAC 11-20-1	A	01-288	26 IR 1670	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3975</b>	357 IAC 1-6-1	A	04-160	28 IR 253	
					357 IAC 1-6-2	A	04-160	28 IR 254	
					357 IAC 1-6-3	R	04-160	28 IR 257	
					357 IAC 1-6-4	A	04-160	28 IR 256	
					357 IAC 1-6-5	A	04-160	28 IR 256	
329 IAC 11-21-4	A	01-288	26 IR 1671	*ERR (27 IR 4023) *CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3976</b>	357 IAC 1-6-6	A	04-160	28 IR 256	
					357 IAC 1-6-7	N	04-160	28 IR 257	
					357 IAC 1-6-8	N	04-160	28 IR 257	
329 IAC 11-21-5	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3976</b>	357 IAC 1-7-1	A	04-159	28 IR 249	
					357 IAC 1-7-2	A	04-159	28 IR 250	
					357 IAC 1-7-3	R	04-159	28 IR 252	
					357 IAC 1-7-4	A	04-159	28 IR 251	
329 IAC 11-21-6	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3976</b>	357 IAC 1-7-5	A	04-159	28 IR 252	
					357 IAC 1-7-6	A	04-159	28 IR 252	
					357 IAC 1-7-7	N	04-159	28 IR 252	
329 IAC 11-21-7	A	01-288	26 IR 1671	*CPH (26 IR 2647) *CPH (26 IR 3672) *CPH (26 IR 3903) <b>27 IR 3976</b>	357 IAC 1-7-8	N	04-159	28 IR 252	
					357 IAC 1-11	N	02-332	26 IR 3109	*CPH (26 IR 3673) *AROC (27 IR 1652) <b>27 IR 1877</b>

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TITLE 405 OFFICE OF THE SECRETARY OF FAMILY AND SOCIAL SERVICES				405 IAC 2-10-9	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094)	
405 IAC 1-1-5	A	04-178	28 IR 258					<b>27 IR 3986</b>	
405 IAC 1-1.5-1	A	04-142	27 IR 3699	*NRA (28 IR 619) <b>28 IR 815</b> *ERR (28 IR 970)	405 IAC 2-10-10	R	03-134	26 IR 3709	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3986</b>
405 IAC 1-1.5-2	A	04-178	28 IR 259		405 IAC 2-10-11	N	03-134	26 IR 3709	*AROC (27 IR 2080) *NRA (27 IR 3094)
405 IAC 1-1.6	N	04-142	27 IR 3699	*NRA (28 IR 619) <b>28 IR 816</b> *ERR (28 IR 970)	405 IAC 5-1-5	A	04-178	28 IR 260	<b>27 IR 3986</b>
405 IAC 1-5-1	A	04-219	28 IR 655		405 IAC 5-3-13	A	03-66	26 IR 3381	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550)
405 IAC 1-8-2	A	03-164	26 IR 3929	*NRA (27 IR 1194) <b>27 IR 2247</b>					*ARR (27 IR 1576) *NRA (27 IR 1612)
405 IAC 1-8-3	A	03-164	26 IR 3929	*NRA (27 IR 1194) <b>27 IR 2247</b>					<b>27 IR 2244</b>
405 IAC 1-10.5-2	A	03-164	26 IR 3930	*NRA (27 IR 1194) <b>27 IR 2248</b>					
	A	03-236	27 IR 914	*NRA (27 IR 1935) <b>27 IR 2482</b>	405 IAC 5-9-1	A	04-178	28 IR 260	
405 IAC 1-10.5-3	A	03-18	26 IR 3378	*NRA (27 IR 207) <b>27 IR 863</b>	405 IAC 5-19-1	A	04-178	28 IR 261	
	A	03-164	26 IR 3932	*NRA (27 IR 1194) <b>27 IR 2249</b>	405 IAC 5-19-3	A	03-207	27 IR 267	*AROC (27 IR 2342)
	A	03-236	27 IR 916	*NRA (27 IR 1935) <b>27 IR 2484</b> *ERR (27 IR 3580)	405 IAC 5-19-10	A	04-178	28 IR 262	
405 IAC 1-17-1	A	03-61	26 IR 3111	*NRA (26 IR 3670) <b>27 IR 93</b>	405 IAC 5-20-1	A	03-184	27 IR 259	*NRA (27 IR 1194) *ARR (27 IR 1891)
405 IAC 1-17-2	A	03-61	26 IR 3111	*NRA (26 IR 3670) <b>27 IR 94</b>	405 IAC 5-20-2	A	03-184	27 IR 260	*NRA (27 IR 1194) *ARR (27 IR 1891)
405 IAC 1-17-3	A	03-61	26 IR 3112	*NRA (26 IR 3670) <b>27 IR 94</b>	405 IAC 5-20-3.1	N	03-184	27 IR 260	*NRA (27 IR 1194) *ARR (27 IR 1891)
405 IAC 1-17-4	A	03-61	26 IR 3113	*NRA (26 IR 3670) <b>27 IR 95</b>	405 IAC 5-20-4	A	03-184	27 IR 261	*NRA (27 IR 1194) *ARR (27 IR 1891)
405 IAC 1-17-5	A	03-61	26 IR 3113	*NRA (26 IR 3670) <b>27 IR 96</b>	405 IAC 5-20-7	A	03-184	27 IR 261	*NRA (27 IR 1194) *ARR (27 IR 1891)
405 IAC 1-17-6	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 96</b>	405 IAC 5-21-1	A	03-66	26 IR 3381	*NRA (26 IR 3902) *ARR (27 IR 539)
405 IAC 1-17-7	A	03-61	26 IR 3114	*NRA (26 IR 3670) <b>27 IR 97</b>					*NRA (27 IR 550) *ARR (27 IR 1576)
405 IAC 1-17-9	A	03-61	26 IR 3115	*NRA (26 IR 3670) <b>27 IR 98</b>					*NRA (27 IR 1612)
405 IAC 1-21	N	03-184	27 IR 258	*NRA (27 IR 1194) *ARR (27 IR 1891) <b>27 IR 2475</b> *ERR (27 IR 2499)	405 IAC 5-21-7	A	03-66	26 IR 3382	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612)
405 IAC 2-3-1.1	A	03-205	27 IR 262	*NRA (27 IR 1612) <b>27 IR 2479</b>					<b>27 IR 2245</b>
405 IAC 2-3-10	A	03-263	27 IR 1210	*ARR (27 IR 4024) *NRA (27 IR 4044) <b>28 IR 178</b>	405 IAC 5-21-8	N	03-66	26 IR 3382	*NRA (26 IR 3902) *ARR (27 IR 539) *NRA (27 IR 550) *ARR (27 IR 1576) *NRA (27 IR 1612)
405 IAC 2-8-1	A	03-134	26 IR 3706	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3984</b>					<b>27 IR 2245</b>
405 IAC 2-8-1.1	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3984</b>	405 IAC 5-24-7	A	03-206	27 IR 266	*NRA (27 IR 1194) <b>27 IR 2252</b>
405 IAC 2-10-3	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3984</b>	405 IAC 5-26-5	A	04-178	28 IR 262	
405 IAC 2-10-7	A	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3985</b>	405 IAC 6-2-3	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2486</b>
405 IAC 2-10-7.1	N	03-134	26 IR 3707	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3985</b>	405 IAC 6-2-5	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2486</b>
405 IAC 2-10-8	A	03-134	26 IR 3708	*AROC (27 IR 2080) *NRA (27 IR 3094) <b>27 IR 3985</b>	405 IAC 6-2-21	R	03-260	27 IR 921	*NRA (27 IR 4044) <b>28 IR 179</b>
					405 IAC 6-2-22	R	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>

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405 IAC 6-3-3	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2487</b>	410 IAC 6-12-3	A	03-276	27 IR 3213	<b>28 IR 818</b>
	A	04-95	27 IR 3210	*NRA (27 IR 4044) <b>28 IR 180</b>	410 IAC 6-12-3.1	N	03-276	27 IR 3213	<b>28 IR 818</b>
405 IAC 6-4-2	A	03-260	27 IR 919	*NRA (27 IR 1935) <b>27 IR 2487</b>	410 IAC 6-12-3.2	N	03-276	27 IR 3213	<b>28 IR 818</b>
	A	04-95	27 IR 3210	*NRA (27 IR 4044) <b>28 IR 180</b>	410 IAC 6-12-4	A	03-276	27 IR 3213	<b>28 IR 818</b>
405 IAC 6-4-3	A	03-260	27 IR 920	*NRA (27 IR 1935) <b>27 IR 2487</b>	410 IAC 6-12-5	R	03-276	27 IR 3216	<b>28 IR 821</b>
	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 180</b>	410 IAC 6-12-6	R	03-276	27 IR 3216	<b>28 IR 821</b>
405 IAC 6-5-1	A	03-260	27 IR 920	*NRA (27 IR 1935) <b>27 IR 2487</b>	410 IAC 6-12-7	A	03-276	27 IR 3213	<b>28 IR 818</b>
	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 6-12-8	A	03-276	27 IR 3213	<b>28 IR 819</b>
405 IAC 6-5-2	A	03-260	27 IR 920	*NRA (27 IR 1935) <b>27 IR 2488</b>	410 IAC 6-12-9	A	03-276	27 IR 3214	<b>28 IR 820</b>
	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 6-12-10	A	03-276	27 IR 3215	<b>28 IR 820</b>
405 IAC 6-5-3	A	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2488</b>	410 IAC 6-12-11	A	03-276	27 IR 3215	<b>28 IR 820</b>
	A	04-95	27 IR 3211	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 6-12-12	A	03-276	27 IR 3215	<b>28 IR 820</b>
405 IAC 6-5-4	A	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2488</b>	410 IAC 6-12-13	A	03-276	27 IR 3215	<b>28 IR 820</b>
	A	04-95	27 IR 3212	*NRA (27 IR 4044) <b>28 IR 181</b>	410 IAC 6-12-14	A	03-276	27 IR 3215	<b>28 IR 821</b>
405 IAC 6-5-6	A	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>	410 IAC 6-12-15	R	03-276	27 IR 3216	<b>28 IR 821</b>
	A	04-95	27 IR 3212	*NRA (27 IR 4044) <b>28 IR 182</b>	410 IAC 6-12-17	N	03-276	27 IR 3216	<b>28 IR 821</b>
405 IAC 6-6-3	R	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>	410 IAC 7-19	R	02-317	26 IR 3385	*ARR (27 IR 878) <b>27 IR 1169</b>
405 IAC 6-6-4	R	03-260	27 IR 921	*NRA (27 IR 1935) <b>27 IR 2489</b>	410 IAC 7-20	R	04-60	27 IR 3301	<b>28 IR 906</b>
TITLE 407 OFFICE OF THE CHILDREN'S HEALTH INSURANCE PROGRAM					410 IAC 7-23	N	02-317	26 IR 3383	*ARR (27 IR 878) <b>27 IR 1167</b>
407 IAC 3-7-1	A	04-35	27 IR 2535	*NRA (27 IR 3589) <b>27 IR 3987</b>	410 IAC 7-23-1	A	04-62	27 IR 3301	<b>28 IR 908</b>
407 IAC 3-13-1	A	04-35	27 IR 2535	*NRA (27 IR 3589) <b>27 IR 3987</b>	410 IAC 7-24	N	04-60	27 IR 3216	<b>28 IR 822</b>
TITLE 410 INDIANA STATE DEPARTMENT OF HEALTH					410 IAC 15-1.5-8	A	03-216	27 IR 1620	<b>27 IR 2718</b>
410 IAC 1-2.3-47	A	03-4	26 IR 3131	<b>27 IR 865</b>	410 IAC 15-1.7-1	A	03-216	27 IR 1622	<b>27 IR 2720</b>
410 IAC 1-2.3-48	A	03-4	26 IR 3134	<b>27 IR 869</b>	410 IAC 15-2.5-7	A	03-216	27 IR 1623	<b>27 IR 2721</b>
410 IAC 1-2.3-97.5	N	03-4	26 IR 3135	<b>27 IR 870</b>	410 IAC 15-2.7-1	A	03-216	27 IR 1625	<b>27 IR 2722</b>
410 IAC 1-5	RA	04-42	27 IR 2579	<b>27 IR 4140</b>	410 IAC 16.2-1.1-11.5	N	03-275	27 IR 2051	<b>27 IR 3987</b>
410 IAC 1-7	N	03-161	27 IR 2048	<b>27 IR 3496</b>	410 IAC 16.2-1.1-19.3	N	04-7	27 IR 2542	<b>28 IR 189</b>
410 IAC 3-3-7.1	A	03-19	26 IR 3385	*ARR (27 IR 539) <b>27 IR 1568</b>	410 IAC 16.2-3.1-2	A	03-297	27 IR 2536	<b>28 IR 182</b>
410 IAC 6-6-1				*ERR (27 IR 1890)	410 IAC 16.2-3.1-3	A	03-275	27 IR 2051	<b>27 IR 3988</b>
410 IAC 6-6-8				*ERR (27 IR 1890)	410 IAC 16.2-3.1-4	A	03-275	27 IR 2053	<b>27 IR 3989</b>
410 IAC 6-6-13				*ERR (27 IR 1890)	410 IAC 16.2-3.1-13	A	03-275	27 IR 2054	<b>27 IR 3990</b>
410 IAC 6-6-14.1				*ERR (27 IR 1890)	410 IAC 16.2-3.1-14	A	03-275	27 IR 2056	<b>27 IR 3993</b>
410 IAC 6-7.2-17	A	02-295	26 IR 2662	<b>27 IR 98</b>	410 IAC 16.2-3.1-19	A	04-7	27 IR 2542	<b>28 IR 189</b>
410 IAC 6-7.2-29	A	02-295	26 IR 2662	<b>27 IR 99</b>	410 IAC 16.2-3.1-26	A	03-275	27 IR 2059	*CPH (27 IR 1613) <b>27 IR 2715</b>
410 IAC 6-7.2-30	A	02-295	26 IR 2663	<b>27 IR 99</b>	410 IAC 16.2-3.1-29	A	03-275	27 IR 2060	<b>27 IR 3996</b>
410 IAC 6-8.1	R	02-321	26 IR 3131	*CPH (26 IR 3368) *AWR (27 IR 3079)	410 IAC 16.2-3.1-53	N	04-7	27 IR 2545	<b>27 IR 3997</b>
410 IAC 6-8.2	N	02-321	26 IR 3116	*CPH (26 IR 3368) *AWR (27 IR 3079)	410 IAC 16.2-5-1.1	A	03-297	27 IR 2539	<b>28 IR 185</b>
410 IAC 6-9-3				*ERR (26 IR 3884)	410 IAC 16.2-5-1.2	A	03-275	27 IR 2060	<b>27 IR 3997</b>
410 IAC 6-10	R	02-321	26 IR 3131	*CPH (26 IR 3368) *AWR (27 IR 3079)	410 IAC 16.2-5-1.3	A	03-275	27 IR 2066	<b>27 IR 4002</b>
410 IAC 6-12-0.5	N	03-276	27 IR 3212	<b>28 IR 818</b>	410 IAC 16.2-5-1.4	A	03-275	27 IR 2067	<b>27 IR 4003</b>
410 IAC 6-12-1	A	03-276	27 IR 3212	<b>28 IR 818</b>	410 IAC 16.2-5-2	A	03-275	27 IR 2069	<b>27 IR 4005</b>
410 IAC 6-12-2	R	03-276	27 IR 3216	<b>28 IR 821</b>	410 IAC 16.2-5-4	A	03-275	27 IR 2069	<b>27 IR 4006</b>
					410 IAC 16.2-5-13	N	04-7	27 IR 2548	<b>28 IR 194</b>
					410 IAC 16.2-8-1	A	03-90	27 IR 924	*CPH (27 IR 1613) <b>27 IR 2718</b>
					410 IAC 21-3-6	R	04-161	28 IR 657	
					410 IAC 21-3-8	A	04-161	28 IR 656	
					410 IAC 21-3-9	A	04-161	28 IR 656	
					TITLE 414 HOSPITAL COUNCIL				
					414 IAC	N	03-277	27 IR 1625	<b>27 IR 2723</b>
					TITLE 440 DIVISION OF MENTAL HEALTH AND ADDICTION				
					440 IAC 5.2	N	03-57	26 IR 3386	*NRA (26 IR 3902) <b>27 IR 492</b>
					440 IAC 7.5-1-1	A	04-229	28 IR 657	
					440 IAC 7.5-2-1	A	04-229	28 IR 660	
					440 IAC 7.5-2-8	A	04-229	28 IR 661	
					440 IAC 7.5-2-12	A	04-229	28 IR 661	
					440 IAC 7.5-2-13	A	04-229	28 IR 662	
					440 IAC 7.5-3-3	A	04-229	28 IR 663	
					440 IAC 7.5-3-4	A	04-229	28 IR 664	
					440 IAC 7.5-3-7	A	04-229	28 IR 664	
					440 IAC 7.5-4-7	A	04-229	28 IR 664	

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440 IAC 7.5-4-8	A	04-229	28 IR 665		460 IAC 6-13-2	A	02-326	26 IR 2675	<b>27 IR 111</b>
440 IAC 7.5-5-1	A	04-229	28 IR 665		460 IAC 6-14-4	A	02-326	26 IR 2675	<b>27 IR 111</b>
440 IAC 7.5-8-1	A	04-229	28 IR 666		460 IAC 6-14-6	N	03-123	26 IR 3935	<b>27 IR 2724</b>
440 IAC 7.5-8-2	A	04-229	28 IR 666		460 IAC 6-14-7	N	03-123	26 IR 3935	<b>27 IR 2724</b>
440 IAC 7.5-8-3	A	04-229	28 IR 666		460 IAC 6-15-2	A	03-123	26 IR 3935	<b>27 IR 2724</b>
440 IAC 7.5-9-1	A	04-229	28 IR 666		460 IAC 6-17-3	A	02-326	26 IR 2675	<b>27 IR 111</b>
440 IAC 7.5-9-2	A	04-229	28 IR 666		460 IAC 6-17-4	A	02-326	26 IR 2676	<b>27 IR 112</b>
440 IAC 7.5-9-3	A	04-229	28 IR 667		460 IAC 6-19-6	A	02-326	26 IR 2676	<b>27 IR 113</b>
440 IAC 7.5-10-1	A	04-229	28 IR 667			A	03-123	26 IR 3936	<b>27 IR 2725</b>
440 IAC 7.5-10-2	A	04-229	28 IR 667		460 IAC 6-24-1	A	02-236	26 IR 2677	<b>27 IR 113</b>
440 IAC 7.5-10-3	N	04-229	28 IR 667		460 IAC 6-24-2	A	02-326	26 IR 2677	<b>27 IR 114</b>
440 IAC 7.5-11	N	04-229	28 IR 667		460 IAC 6-25-10	A	02-326	26 IR 2677	<b>27 IR 114</b>
<b>TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES</b>					460 IAC 6-29-4	A	02-326	26 IR 2678	<b>27 IR 114</b>
460 IAC 1-10	N	03-231	27 IR 3303	*NRA (28 IR 233) <b>28 IR 910</b>	460 IAC 6-29-9	N	02-326	26 IR 2678	<b>27 IR 115</b>
460 IAC 1.1	N	03-245	27 IR 2799	*AROC (27 IR 3344) *NRA (28 IR 233) <b>28 IR 912</b>	460 IAC 6-31-1	A	03-123	26 IR 3936	<b>27 IR 2725</b>
					460 IAC 6-35	N	02-326	26 IR 2678	<b>27 IR 115</b>
					460 IAC 6-36	N	03-123	26 IR 3937	<b>27 IR 2726</b>
					460 IAC 8	N	03-99	26 IR 3392	<b>27 IR 2489</b>
<b>TITLE 460 DIVISION OF DISABILITY, AGING, AND REHABILITATIVE SERVICES</b>					<b>TITLE 470 DIVISION OF FAMILY AND CHILDREN</b>				
460 IAC 1-3.4	N	04-75	28 IR 1002		470 IAC 3-1.1-0.5	A	04-77	27 IR 2837	
460 IAC 1-8-3	A	04-199	28 IR 1007		470 IAC 3-1.1-1	A	04-77	27 IR 2838	
460 IAC 1-8-11	N	04-199	28 IR 1007		470 IAC 3-1.1-2	A	04-77	27 IR 2838	
460 IAC 1-8-12	N	04-199	28 IR 1008		470 IAC 3-1.1-4	A	04-77	27 IR 2838	
460 IAC 1-8-13	N	04-199	28 IR 1008		470 IAC 3-1.1-6	A	04-77	27 IR 2838	
460 IAC 1-11	N	04-136	28 IR 1004		470 IAC 3-1.1-7.2	A	04-77	27 IR 2838	
460 IAC 2-2.1	N	04-76	27 IR 3701	*NRA (28 IR 233) *ERR (27 IR 3078)	470 IAC 3-1.1-7.4	A	04-77	27 IR 2839	
460 IAC 2-3-1					470 IAC 3-1.1-8	A	04-77	27 IR 2839	
460 IAC 3.5-1-1	A	03-180	27 IR 269		470 IAC 3-1.1-9	R	04-77	27 IR 2857	
460 IAC 3.5-2-1	A	03-180	27 IR 269		470 IAC 3-1.1-10	A	04-77	27 IR 2839	
460 IAC 5-1-13	A	02-151	26 IR 524		470 IAC 3-1.1-12	A	04-77	27 IR 2839	
460 IAC 6-2-2	A	03-123	26 IR 3935	<b>27 IR 2724</b>	470 IAC 3-1.1-12.5	A	04-77	27 IR 2839	
460 IAC 6-2-3	A	03-123	26 IR 3935	<b>27 IR 2724</b>	470 IAC 3-1.1-13	A	04-77	27 IR 2839	
460 IAC 6-3-2.1	N	02-326	26 IR 2664	<b>27 IR 101</b>	470 IAC 3-1.1-14	A	04-77	27 IR 2840	
460 IAC 6-3-5.1	N	02-326	26 IR 2665	<b>27 IR 101</b>	470 IAC 3-1.1-15	A	04-77	27 IR 2840	
460 IAC 6-3-5.2	N	02-326	26 IR 2665	<b>27 IR 101</b>	470 IAC 3-1.1-16	A	04-77	27 IR 2840	
460 IAC 6-3-6.1	N	02-326	26 IR 2665	<b>27 IR 101</b>	470 IAC 3-1.1-20	A	04-77	27 IR 2840	
460 IAC 6-3-10.1	N	02-326	26 IR 2665	<b>27 IR 101</b>	470 IAC 3-1.1-20.1	N	04-77	27 IR 2840	
460 IAC 6-3-15.1	N	02-326	26 IR 2665	<b>27 IR 101</b>	470 IAC 3-1.1-22.5	A	04-77	27 IR 2840	
460 IAC 6-3-15.2	N	03-123	26 IR 3935	<b>27 IR 2724</b>	470 IAC 3-1.1-24	A	04-77	27 IR 2841	
460 IAC 6-3-15.3	N	02-326	26 IR 2665	†† <b>27 IR 101</b>	470 IAC 3-1.1-28	A	04-77	27 IR 2841	
460 IAC 6-3-18	A	02-326	26 IR 2666	<b>27 IR 102</b>	470 IAC 3-1.1-28.5	A	04-77	27 IR 2842	
460 IAC 6-3-25	A	02-326	26 IR 2666	<b>27 IR 102</b>	470 IAC 3-1.1-29	A	04-77	27 IR 2842	
460 IAC 6-3-29.5	N	02-326	26 IR 2666	<b>27 IR 102</b>	470 IAC 3-1.1-29.5	A	04-77	27 IR 2842	
460 IAC 6-3-31	A	02-326	26 IR 2666	<b>27 IR 102</b>	470 IAC 3-1.1-32	R	04-77	27 IR 2857	
460 IAC 6-3-32	A	02-326	26 IR 2666	<b>27 IR 102</b>	470 IAC 3-1.1-32.1	N	04-77	27 IR 2843	
460 IAC 6-3-38.5	N	02-326	26 IR 2666	<b>27 IR 103</b>	470 IAC 3-1.1-33	A	04-77	27 IR 2845	
460 IAC 6-3-38.6	N	02-326	26 IR 2667	<b>27 IR 103</b>	470 IAC 3-1.1-33.5	A	04-77	27 IR 2845	
460 IAC 6-3-41.1	N	02-326	26 IR 2667	<b>27 IR 103</b>	470 IAC 3-1.1-34	A	04-77	27 IR 2845	
460 IAC 6-3-52.1	N	02-326	26 IR 2667	<b>27 IR 103</b>	470 IAC 3-1.1-35	A	04-77	27 IR 2846	
460 IAC 6-3-56	A	02-326	26 IR 2667	<b>27 IR 103</b>	470 IAC 3-1.1-36.5	A	04-77	27 IR 2846	
460 IAC 6-4-1	A	02-326	26 IR 2667	<b>27 IR 103</b>	470 IAC 3-1.1-36.6	N	04-77	27 IR 2846	
460 IAC 6-5-4	A	02-326	26 IR 2668	<b>27 IR 104</b>	470 IAC 3-1.1-37	A	04-77	27 IR 2846	
460 IAC 6-5-7	A	02-326	26 IR 2669	<b>27 IR 105</b>	470 IAC 3-1.1-38	A	04-77	27 IR 2847	
460 IAC 6-5-21	A	02-326	26 IR 2669	<b>27 IR 105</b>	470 IAC 3-1.1-38.5	N	04-77	27 IR 2847	
460 IAC 6-5-32	N	02-326	26 IR 2669	<b>27 IR 105</b>	470 IAC 3-1.1-39	A	04-77	27 IR 2848	
460 IAC 6-5-33	N	02-326	26 IR 2670	<b>27 IR 106</b>	470 IAC 3-1.1-40	A	04-77	27 IR 2848	
460 IAC 6-5-34	N	02-326	26 IR 2670	<b>27 IR 106</b>	470 IAC 3-1.1-41	A	04-77	27 IR 2848	
460 IAC 6-5-35	N	02-326	26 IR 2670	<b>27 IR 106</b>	470 IAC 3-1.1-41.1	N	04-77	27 IR 2848	
460 IAC 6-5-36	N	02-326	26 IR 2670	<b>27 IR 106</b>	470 IAC 3-1.1-41.2	N	04-77	27 IR 2848	
460 IAC 6-6-2	A	02-326	26 IR 2670	<b>27 IR 106</b>	470 IAC 3-1.1-42	A	04-77	27 IR 2849	
460 IAC 6-6-3	A	02-326	26 IR 2670	<b>27 IR 107</b>	470 IAC 3-1.1-44	A	04-77	27 IR 2849	
460 IAC 6-7-2	A	02-326	26 IR 2671	<b>27 IR 107</b>	470 IAC 3-1.1-44.5	N	04-77	27 IR 2850	
460 IAC 6-7-3	A	02-326	26 IR 2671	<b>27 IR 108</b>	470 IAC 3-1.1-45	A	04-77	27 IR 2850	
460 IAC 6-9-5	A	02-326	26 IR 2672	<b>27 IR 108</b>	470 IAC 3-1.1-45.5	N	04-77	27 IR 2850	
460 IAC 6-9-7	N	02-326	26 IR 2673	<b>27 IR 109</b>	470 IAC 3-1.1-46	A	04-77	27 IR 2851	
460 IAC 6-10-5	A	02-326	26 IR 2673	<b>27 IR 110</b>	470 IAC 3-1.1-47	A	04-77	27 IR 2852	
460 IAC 6-10-8	A	02-326	26 IR 2674	<b>27 IR 110</b>	470 IAC 3-1.1-48	A	04-77	27 IR 2852	
460 IAC 6-10-13	A	02-326	26 IR 2674	<b>27 IR 110</b>	470 IAC 3-1.1-50	N	04-77	27 IR 2853	



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610 IAC 4-6-11	A	03-37	26 IR 2464	<b>27 IR 1879</b>	655 IAC 1-2.1-24.1	A	03-186	27 IR 938	*AROC (27 IR 1652)
610 IAC 4-6-13	R	03-253	27 IR 565	<b>27 IR 2728</b>					<b>27 IR 4017</b>
610 IAC 4-6-23	A	03-252	27 IR 564	<b>27 IR 2728</b>					*AROC (28 IR 1073)
TITLE 646 DEPARTMENT OF WORKFORCE DEVELOPMENT					655 IAC 1-2.1-24.2	A	03-186	27 IR 938	*AROC (27 IR 1652)
646 IAC 3-1-12	N	03-317	27 IR 2858	<b>28 IR 560</b>					<b>27 IR 4017</b>
646 IAC 3-1-13	N	03-317	27 IR 2858	<b>28 IR 561</b>					*AROC (28 IR 1073)
646 IAC 3-4-11	N	03-317	27 IR 2858	<b>28 IR 561</b>	655 IAC 1-2.1-24.3	N	03-186	27 IR 939	*AROC (27 IR 1652)
646 IAC 3-5-1	A	03-317	27 IR 2859	<b>28 IR 561</b>					<b>27 IR 4018</b>
TITLE 655 BOARD OF FIREFIGHTING PERSONNEL STANDARDS AND EDUCATION					655 IAC 1-2.1-75	A	04-138	28 IR 1019	*AROC (28 IR 1073)
655 IAC 1-1-5.1	A	03-186	27 IR 932	*AROC (27 IR 1652)	655 IAC 1-2.1-75.2	A	04-138	28 IR 1020	*AROC (28 IR 1073)
				<b>27 IR 4010</b>	655 IAC 1-2.1-75.3	A	04-138	28 IR 1020	*AROC (28 IR 1073)
655 IAC 1-2.1-2	A	03-186	27 IR 934	*AROC (27 IR 1652)	655 IAC 1-2.1-75.4	A	04-138	28 IR 1021	*AROC (28 IR 1073)
				<b>27 IR 4013</b>	655 IAC 1-2.1-75.5	A	04-138	28 IR 1021	*AROC (28 IR 1073)
655 IAC 1-2.1-3	A	03-186	27 IR 934	*AROC (27 IR 1652)	655 IAC 1-2.1-76.1	A	04-138	28 IR 1022	*AROC (28 IR 1073)
				<b>27 IR 4013</b>	655 IAC 1-2.1-76.2	R	04-138	28 IR 1029	*AROC (28 IR 1073)
655 IAC 1-2.1-4	A	04-138	28 IR 1012	*AROC (28 IR 1073)	655 IAC 1-2.1-76.3	R	04-138	28 IR 1029	*AROC (28 IR 1073)
655 IAC 1-2.1-5	A	04-138	28 IR 1013	*AROC (28 IR 1073)	655 IAC 1-2.1-88	A	03-186	27 IR 939	*AROC (27 IR 1652)
655 IAC 1-2.1-6	A	04-138	28 IR 1013	*AROC (28 IR 1073)					<b>27 IR 4018</b>
655 IAC 1-2.1-6.1	A	03-186	27 IR 935	*AROC (27 IR 1652)	655 IAC 1-2.1-96	N	04-138	28 IR 1022	*AROC (28 IR 1073)
				<b>27 IR 4014</b>	655 IAC 1-2.1-97	N	04-138	28 IR 1022	*AROC (28 IR 1073)
655 IAC 1-2.1-6.2	A	04-138	28 IR 1013	*AROC (28 IR 1073)	655 IAC 1-2.1-98	N	04-138	28 IR 1023	*AROC (28 IR 1073)
				<b>27 IR 4014</b>	655 IAC 1-2.1-99	N	04-138	28 IR 1023	*AROC (28 IR 1073)
655 IAC 1-2.1-6.3	A	03-186	27 IR 935	*AROC (27 IR 1652)	655 IAC 1-2.1-100	N	04-138	28 IR 1023	*AROC (28 IR 1073)
				<b>27 IR 4014</b>	655 IAC 1-2.1-101	N	04-138	28 IR 1024	*AROC (28 IR 1073)
655 IAC 1-2.1-6.4	A	04-138	28 IR 1014	*AROC (28 IR 1073)	655 IAC 1-2.1-102	N	04-138	28 IR 1024	*AROC (28 IR 1073)
				<b>27 IR 4014</b>	655 IAC 1-2.1-103	N	04-138	28 IR 1025	*AROC (28 IR 1073)
655 IAC 1-2.1-7.1	N	04-138	28 IR 1014	*AROC (28 IR 1073)	655 IAC 1-2.1-104	N	04-138	28 IR 1025	*AROC (28 IR 1073)
655 IAC 1-2.1-8	A	04-138	28 IR 1016	*AROC (28 IR 1073)	655 IAC 1-2.1-105	N	04-138	28 IR 1026	*AROC (28 IR 1073)
655 IAC 1-2.1-9	A	04-138	28 IR 1016	*AROC (28 IR 1073)	655 IAC 1-2.1-106	N	04-138	28 IR 1026	*AROC (28 IR 1073)
655 IAC 1-2.1-10	A	04-138	28 IR 1016	*AROC (28 IR 1073)	655 IAC 1-2.1-107	N	04-138	28 IR 1027	*AROC (28 IR 1073)
655 IAC 1-2.1-11	A	04-138	28 IR 1017	*AROC (28 IR 1073)	655 IAC 1-2.1-108	N	04-138	28 IR 1027	*AROC (28 IR 1073)
655 IAC 1-2.1-12	A	03-186	27 IR 936	*AROC (27 IR 1652)	655 IAC 1-2.1-109	N	04-138	28 IR 1027	*AROC (28 IR 1073)
				<b>27 IR 4015</b>	655 IAC 1-2.1-110	N	04-138	28 IR 1027	*AROC (28 IR 1073)
655 IAC 1-2.1-13	A	04-138	28 IR 1017	*AROC (28 IR 1073)	655 IAC 1-3-1	A	03-186	27 IR 939	*AROC (27 IR 1652)
655 IAC 1-2.1-14	A	04-138	28 IR 1017	*AROC (28 IR 1073)					<b>27 IR 4018</b>
				<b>27 IR 4015</b>	655 IAC 1-3-2	A	03-186	27 IR 939	*AROC (27 IR 1652)
655 IAC 1-2.1-15	A	03-186	27 IR 936	*AROC (27 IR 1652)					<b>27 IR 4018</b>
				<b>27 IR 4015</b>	655 IAC 1-3-4	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-2.1-19	A	04-138	28 IR 1017	*AROC (28 IR 1073)					<b>27 IR 4018</b>
				<b>27 IR 4015</b>	655 IAC 1-3-5	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-2.1-19.1	A	03-186	27 IR 937	*AROC (27 IR 1652)					<b>27 IR 4019</b>
				<b>27 IR 4016</b>	655 IAC 1-3-7	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-2.1-20	A	03-186	27 IR 937	*AROC (27 IR 1652)					<b>27 IR 4019</b>
				<b>27 IR 4016</b>	655 IAC 1-3-8	R	03-186	27 IR 941	*AROC (27 IR 1652)
655 IAC 1-2.1-22	A	04-138	28 IR 1018	*AROC (28 IR 1073)	655 IAC 1-4-1	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-2.1-23	A	03-186	27 IR 938	*AROC (27 IR 1652)					<b>27 IR 4019</b>
				<b>27 IR 4016</b>	655 IAC 1-4-2	A	03-186	27 IR 940	*AROC (27 IR 1652)
655 IAC 1-2.1-23.1	A	04-138	28 IR 1018	*AROC (28 IR 1073)					<b>27 IR 4019</b>
				<b>27 IR 4017</b>					*AROC (28 IR 1073)
655 IAC 1-2.1-24	A	03-186	27 IR 938	*AROC (27 IR 1652)	TITLE 675 FIRE PREVENTION AND BUILDING SAFETY COMMISSION				
				<b>27 IR 4017</b>	675 IAC 12-4-11	A	03-278	27 IR 941	<b>27 IR 3505</b>
				<b>27 IR 4017</b>	675 IAC 13-1-4	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				<b>27 IR 4017</b>					<b>27 IR 1299</b>
				<b>27 IR 4017</b>	675 IAC 13-1-5	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				<b>27 IR 4017</b>					<b>27 IR 1299</b>
				<b>27 IR 4017</b>	675 IAC 13-1-9.5	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				<b>27 IR 4017</b>					<b>27 IR 1299</b>
				<b>27 IR 4017</b>	675 IAC 13-1-9.6	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				<b>27 IR 4017</b>					<b>27 IR 1299</b>
				<b>27 IR 4017</b>	675 IAC 13-1-28	RA	03-48	26 IR 2693	*CPH (27 IR 551)
				<b>27 IR 4017</b>					<b>27 IR 1299</b>
				<b>27 IR 4017</b>	675 IAC 14-4.2	R	04-194	28 IR 312	
				<b>27 IR 4017</b>	675 IAC 14-4.2-1	A	03-71	26 IR 3712	<b>27 IR 2253</b>
				<b>27 IR 4017</b>	675 IAC 14-4.2-2	A	03-71	26 IR 3712	<b>27 IR 2253</b>
				<b>27 IR 4017</b>	675 IAC 14-4.2-3	A	03-71	26 IR 3714	<b>27 IR 2254</b>
				<b>27 IR 4017</b>					*ERR (28 IR 970)

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675 IAC 14-4.2-6	A	03-71	26 IR 3715	<b>27 IR 2256</b>	675 IAC 14-4.2-192	R	03-71	26 IR 3737	
675 IAC 14-4.2-7	A	03-71	26 IR 3719	<b>27 IR 2260</b>	675 IAC 14-4.3	N	04-194	28 IR 268	
675 IAC 14-4.2-9	A	03-71	26 IR 3719	<b>27 IR 2260</b>	675 IAC 15-1-1	R	04-227	28 IR 1053	
675 IAC 14-4.2-13.5	N	03-71	26 IR 3719	<b>27 IR 2260</b>	675 IAC 15-1-2	R	04-227	28 IR 1053	
675 IAC 14-4.2-15.5	N	03-71	26 IR 3719	<b>27 IR 2260</b>	675 IAC 15-1-3	R	04-227	28 IR 1053	
675 IAC 14-4.2-19.5	N	03-71	26 IR 3720	<b>27 IR 2260</b>	675 IAC 15-1-5	R	04-227	28 IR 1053	
				*ERR (28 IR 970)	675 IAC 15-1-6	R	04-227	28 IR 1054	
675 IAC 14-4.2-20.5	A	03-71	26 IR 3720	<b>27 IR 2261</b>	675 IAC 15-1-7	R	04-227	28 IR 1054	
				*ERR (28 IR 970)	675 IAC 15-1-8.1	R	04-227	28 IR 1054	
675 IAC 14-4.2-21	A	03-71	26 IR 3720	<b>27 IR 2261</b>	675 IAC 15-1-10	R	04-227	28 IR 1054	
				*ERR (28 IR 970)	675 IAC 15-1-11	R	04-227	28 IR 1054	
675 IAC 14-4.2-22	A	03-71	26 IR 3721	<b>27 IR 2262</b>	675 IAC 15-1-12	R	04-227	28 IR 1054	
675 IAC 14-4.2-26.5	N	03-71	26 IR 3722	<b>27 IR 2263</b>	675 IAC 15-1-13	R	04-227	28 IR 1054	
				*ERR (28 IR 970)	675 IAC 15-1-14	R	04-227	28 IR 1054	
675 IAC 14-4.2-27.5	A	03-71	26 IR 3722	<b>27 IR 2263</b>	675 IAC 15-1-16	R	04-227	28 IR 1054	
675 IAC 14-4.2-29	A	03-71	26 IR 3722	<b>27 IR 2263</b>	675 IAC 15-1-17	R	04-227	28 IR 1054	
				*ERR (28 IR 970)	675 IAC 15-1-19	R	04-227	28 IR 1054	
675 IAC 14-4.2-30	A	04-8	27 IR 2333	<b>28 IR 562</b>	675 IAC 15-1-20	R	04-227	28 IR 1054	
675 IAC 14-4.2-31	A	03-71	26 IR 3722	<b>27 IR 2263</b>	675 IAC 15-1-21	R	04-227	28 IR 1054	
675 IAC 14-4.2-34	A	03-71	26 IR 3723	<b>27 IR 2264</b>	675 IAC 15-1-22	R	04-227	28 IR 1054	
675 IAC 14-4.2-37.5	N	03-71	26 IR 3724	<b>27 IR 2265</b>	675 IAC 15-1.1	N	04-227	28 IR 1037	
675 IAC 14-4.2-45.3	N	03-71	26 IR 3724	<b>27 IR 2265</b>	675 IAC 15-1.2	N	04-227	28 IR 1039	
675 IAC 14-4.2-46.8	N	03-71	26 IR 3724	<b>27 IR 2265</b>	675 IAC 15-1.3	N	04-227	28 IR 1046	
675 IAC 14-4.2-49.1	N	03-71	26 IR 3724	<b>27 IR 2265</b>	675 IAC 15-1.4	N	04-227	28 IR 1048	
675 IAC 14-4.2-49.3	N	03-71	26 IR 3724	<b>27 IR 2265</b>	675 IAC 15-1.5	N	04-227	28 IR 1049	
675 IAC 14-4.2-52	A	03-71	26 IR 3725	<b>27 IR 2266</b>	675 IAC 15-1.6	N	04-227	28 IR 1051	
675 IAC 14-4.2-53	A	03-71	26 IR 3725	<b>27 IR 2266</b>	675 IAC 15-1.7	N	04-227	28 IR 1052	
675 IAC 14-4.2-53.7	N	03-71	26 IR 3725	<b>27 IR 2266</b>	675 IAC 17-1.6-12	A	03-71	26 IR 3737	
				*ERR (28 IR 970)	675 IAC 17-1.6-16	A	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 14-4.2-61	A	03-71	26 IR 3726	<b>27 IR 2267</b>	675 IAC 19-3-4	A	03-71	26 IR 3737	<b>27 IR 2278</b>
675 IAC 14-4.2-63	A	03-71	26 IR 3726	<b>27 IR 2267</b>	675 IAC 22-2.2-3	RA	04-19	27 IR 2339	<b>28 IR 324</b>
675 IAC 14-4.2-69.5	N	03-71	26 IR 3726	<b>27 IR 2267</b>	675 IAC 22-2.2-4	RA	04-19	27 IR 2339	<b>28 IR 324</b>
				*ERR (28 IR 970)	675 IAC 22-2.2-5	RA	04-19	27 IR 2339	<b>28 IR 324</b>
675 IAC 14-4.2-69.6	N	03-71		†† <b>27 IR 2267</b>	675 IAC 22-2.2-6	RA	04-19	27 IR 2339	<b>28 IR 324</b>
				*ERR (28 IR 970)	675 IAC 22-2.2-7	RA	04-19	27 IR 2339	<b>28 IR 324</b>
675 IAC 14-4.2-71	A	03-71	26 IR 3726	<b>27 IR 2268</b>	675 IAC 22-2.2-8	RA	04-19	27 IR 2339	<b>28 IR 324</b>
675 IAC 14-4.2-73.5	N	03-71	26 IR 3727	<b>27 IR 2268</b>	675 IAC 22-2.2-9	RA	04-19	27 IR 2339	<b>28 IR 324</b>
				*ERR (28 IR 970)	675 IAC 22-2.2-10	RA	04-19	27 IR 2339	<b>28 IR 324</b>
675 IAC 14-4.2-77.6	N	03-71	26 IR 3727	<b>27 IR 2268</b>	675 IAC 22-2.2-11	RA	04-19	27 IR 2339	<b>28 IR 324</b>
675 IAC 14-4.2-77.7	N	03-71	26 IR 3727	<b>27 IR 2268</b>	675 IAC 22-2.2-12	RA	04-19	27 IR 2339	<b>28 IR 324</b>
675 IAC 14-4.2-81.2	N	03-71	26 IR 3727	<b>27 IR 2268</b>	675 IAC 22-2.2-13	RA	04-19	27 IR 2339	<b>28 IR 324</b>
				*ERR (28 IR 970)	675 IAC 22-2.2-15	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-81.3	N	03-71	26 IR 3727	<b>27 IR 2269</b>	675 IAC 22-2.2-16	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-81.7	N	03-71	26 IR 3727	<b>27 IR 2269</b>	675 IAC 22-2.2-17	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-82	A	03-71	26 IR 3727	<b>27 IR 2269</b>	675 IAC 22-2.2-18	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-83	A	03-71	26 IR 3728	<b>27 IR 2269</b>	675 IAC 22-2.2-21	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-89.2	N	03-71	26 IR 3728	<b>27 IR 2269</b>	675 IAC 22-2.2-22	RA	04-19	27 IR 2340	<b>28 IR 324</b>
				<b>28 IR 562</b>	675 IAC 22-2.2-23	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-89.6	A	04-8	27 IR 2333	<b>27 IR 2269</b>	675 IAC 22-2.2-24	RA	04-19	27 IR 2340	<b>28 IR 324</b>
				*ERR (28 IR 970)	675 IAC 22-2.2-25	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-89.7	R	03-71	26 IR 3737	<b>27 IR 2278</b>	675 IAC 22-2.2-26	N	04-196	28 IR 1029	
675 IAC 14-4.2-89.8	A	03-71	26 IR 3728	<b>27 IR 2270</b>	675 IAC 22-2.2-49.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
				*ERR (28 IR 970)	675 IAC 22-2.2-107.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-89.9	A	03-71	26 IR 3728	<b>27 IR 2270</b>	675 IAC 22-2.2-134.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-89.10	R	03-71	26 IR 3737	<b>27 IR 2278</b>	675 IAC 22-2.2-183	RA	04-19	27 IR 2340	<b>28 IR 324</b>
675 IAC 14-4.2-89.11	R	03-71	26 IR 3737	<b>27 IR 2278</b>		R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-95	A	03-71	26 IR 3729	<b>27 IR 2270</b>	675 IAC 22-2.2-221.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-96.2	N	03-71	26 IR 3729	<b>27 IR 2270</b>	675 IAC 22-2.2-240.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-97.5	N	03-71	26 IR 3729	<b>27 IR 2270</b>	675 IAC 22-2.2-241.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-97.9	N	03-71	26 IR 3729	<b>27 IR 2270</b>	675 IAC 22-2.2-243.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-107	A	03-71	26 IR 3729	<b>27 IR 2271</b>	675 IAC 22-2.2-245.2	R	04-56	27 IR 2864	*CPH (28 IR 982)
				*ERR (28 IR 970)	675 IAC 22-2.2-245.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-112.5	N	03-71	26 IR 3735	<b>27 IR 2277</b>	675 IAC 22-2.2-365.2	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-117	A	03-71	26 IR 3736	<b>27 IR 2277</b>	675 IAC 22-2.2-365.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-171.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>	675 IAC 22-2.2-368.1	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-174.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>	675 IAC 22-2.2-369.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-177.5	N	03-71	26 IR 3736	<b>27 IR 2277</b>	675 IAC 22-2.2-378.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-189	A	03-71	26 IR 3736	<b>27 IR 2277</b>	675 IAC 22-2.2-412.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-189.2	N	03-71	26 IR 3736	<b>27 IR 2277</b>	675 IAC 22-2.2-437.5	R	04-56	27 IR 2864	*CPH (28 IR 982)
675 IAC 14-4.2-191.4	A	03-71	26 IR 3736	<b>27 IR 2278</b>					

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675 IAC 22-2.2-437.7	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.2	N	03-303	27 IR 3307	<b>28 IR 563</b>
675 IAC 22-2.2-443.5	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.3	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-511.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.4	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-515.1	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.5	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.2-540	R	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-2-3.6	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.3-18				*ERR (27 IR 3078)	760 IAC 2-2-3.7	N	03-303	27 IR 3307	<b>28 IR 564</b>
675 IAC 22-2.3-29.5	N	04-56	27 IR 2860	*CPH (28 IR 982)	760 IAC 2-2-3.8	N	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-35.5	N	04-56	27 IR 2860	*CPH (28 IR 982)	760 IAC 2-2-8	A	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-36	A	04-56	27 IR 2860	*CPH (28 IR 982)	760 IAC 2-3-1	A	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-36.3	N	04-56	27 IR 2861	*CPH (28 IR 982)	760 IAC 2-3-2	A	03-303	27 IR 3308	<b>28 IR 565</b>
675 IAC 22-2.3-36.4	N	04-56	27 IR 2861	*CPH (28 IR 982)	760 IAC 2-3-4	A	03-303	27 IR 3309	<b>28 IR 566</b>
675 IAC 22-2.3-36.6	N	04-56	27 IR 2863	*CPH (28 IR 982)	760 IAC 2-3-6	A	03-303	27 IR 3310	<b>28 IR 567</b>
675 IAC 22-2.3-36.8	N	04-56	27 IR 2863	*CPH (28 IR 982)	760 IAC 2-3-7	N	03-303	27 IR 3310	<b>28 IR 567</b>
675 IAC 22-2.3-111				*ERR (27 IR 3078)	760 IAC 2-3-8	N	03-303	27 IR 3311	<b>28 IR 567</b>
675 IAC 22-2.3-140.5	N	04-56	27 IR 2863	*CPH (28 IR 982)	760 IAC 2-4-1	A	03-303	27 IR 3311	<b>28 IR 568</b>
675 IAC 22-2.3-147.5	N	04-56	27 IR 2863	*CPH (28 IR 982)	760 IAC 2-4-2	N	03-303	27 IR 3312	<b>28 IR 569</b>
675 IAC 22-2.3-147.6	N	04-56	27 IR 2863	*CPH (28 IR 982)					*ERR (28 IR 609)
675 IAC 22-2.3-148	A	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-7-1	A	03-303	27 IR 3313	<b>28 IR 570</b>
675 IAC 22-2.3-148.5	N	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-8-1	A	03-303	27 IR 3314	<b>28 IR 570</b>
675 IAC 22-2.3-237.5	N	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-8-2	A	03-303	27 IR 3314	<b>28 IR 571</b>
675 IAC 22-2.3-284				*ERR (27 IR 3078)	760 IAC 2-8-3	A	03-303	27 IR 3314	<b>28 IR 571</b>
675 IAC 22-2.3-298.5	N	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-8-4	A	03-303	27 IR 3315	<b>28 IR 572</b>
675 IAC 22-2.3-304.5	N	04-56	27 IR 2864	*CPH (28 IR 982)	760 IAC 2-8-6	N	03-303	27 IR 3316	<b>28 IR 572</b>
675 IAC 22-2.3-305				*ERR (27 IR 3078)	760 IAC 2-9-1	A	03-303	27 IR 3316	<b>28 IR 572</b>
675 IAC 26	N	04-196	28 IR 1031		760 IAC 2-10-1	A	03-303	27 IR 3316	<b>28 IR 573</b>
					760 IAC 2-13-1	A	03-303	27 IR 3317	<b>28 IR 573</b>
					760 IAC 2-15-1	A	03-303	27 IR 3317	<b>28 IR 574</b>
TITLE 685 REGULATED AMUSEMENT DEVICE SAFETY BOARD									
685 IAC 1	RA	04-124	27 IR 3343	<b>28 IR 1072</b>					*ERR (28 IR 609)
TITLE 750 DEPARTMENT OF FINANCIAL INSTITUTIONS									
750 IAC 1-1-1	A	04-46		*ER (27 IR 2297)	760 IAC 2-15.5	N	03-303	27 IR 3319	<b>28 IR 575</b>
TITLE 760 DEPARTMENT OF INSURANCE					760 IAC 2-16-1	A	03-303	27 IR 3320	<b>28 IR 576</b>
760 IAC 1-21-2	A	02-299	26 IR 1724	*AROC (26 IR 3427)	760 IAC 2-16.1	N	03-303	27 IR 3320	<b>28 IR 576</b>
760 IAC 1-21-5	A	02-299	26 IR 1724	*AROC (26 IR 3427)	760 IAC 2-17-1	A	03-303	27 IR 3323	<b>28 IR 580</b>
760 IAC 1-21-8	A	02-299	26 IR 1724	*AROC (26 IR 3427)	760 IAC 2-18-1	A	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-50-2	A	03-160	27 IR 271	<b>27 IR 1568</b>	760 IAC 2-19-2	A	03-303	27 IR 3325	<b>28 IR 582</b>
760 IAC 1-50-3	A	03-160	27 IR 271	<b>27 IR 1569</b>	760 IAC 2-19.5	N	03-303	27 IR 3325	<b>28 IR 582</b>
	A	04-139	27 IR 4136		760 IAC 2-20-10	A	03-303	27 IR 3329	<b>28 IR 585</b>
760 IAC 1-50-4	A	03-160	27 IR 272	<b>27 IR 1569</b>	760 IAC 2-20-31.1	A	03-303	27 IR 3329	<b>28 IR 586</b>
	A	04-139	27 IR 4136		760 IAC 2-20-34	A	03-303	27 IR 3329	<b>28 IR 586</b>
760 IAC 1-50-5	A	03-160	27 IR 272	<b>27 IR 1569</b>	760 IAC 2-20-35	A	03-303	27 IR 3332	<b>28 IR 589</b>
	A	04-139	27 IR 4137		760 IAC 2-20-36.1	A	03-303	27 IR 3332	<b>28 IR 589</b>
760 IAC 1-50-7	A	03-160	27 IR 273	<b>27 IR 1570</b>	760 IAC 2-20-36.2	A	03-303	27 IR 3333	<b>28 IR 590</b>
760 IAC 1-50-13	A	03-160	27 IR 273	<b>27 IR 1570</b>	760 IAC 2-20-37.2	A	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-50-13.5	A	03-160	27 IR 273	<b>27 IR 1571</b>	760 IAC 2-20-37.3	N	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-57-1	A	03-7	26 IR 3398	<b>27 IR 505</b>	760 IAC 2-20-38.1	A	03-303	27 IR 3334	<b>28 IR 590</b>
760 IAC 1-57-2	A	03-7	26 IR 3398	<b>27 IR 505</b>	760 IAC 2-20-42	A	03-303	27 IR 3335	<b>28 IR 591</b>
760 IAC 1-57-3	A	03-7	26 IR 3398	<b>27 IR 505</b>	TITLE 804 BOARD OF REGISTRATION FOR ARCHITECTS AND LANDSCAPE ARCHITECTS				
760 IAC 1-57-4	A	03-7	26 IR 3399	<b>27 IR 506</b>	804 IAC 1.1-1-1	A	03-20	26 IR 3136	<b>27 IR 180</b>
760 IAC 1-57-5	A	03-7	26 IR 3399	<b>27 IR 506</b>		A	04-156	28 IR 1054	
760 IAC 1-57-6	A	03-7	26 IR 3400	<b>27 IR 507</b>	804 IAC 1.1-8	N	04-156	28 IR 1055	
760 IAC 1-57-7	R	03-7	26 IR 3408	<b>27 IR 515</b>	TITLE 808 STATE BOXING COMMISSION				
760 IAC 1-57-8	A	03-7	26 IR 3401	<b>27 IR 508</b>	808 IAC 1-3-6	A	03-226	27 IR 2563	<b>28 IR 198</b>
				*ERR (27 IR 1575)	808 IAC 1-5-1	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 1-57-9	A	03-7	26 IR 3405	<b>27 IR 512</b>	808 IAC 1-5-2	A	03-226	27 IR 2563	<b>28 IR 198</b>
760 IAC 1-57-10	A	03-7	26 IR 3407	<b>27 IR 514</b>	808 IAC 2-1-5	A	03-226	27 IR 2564	<b>28 IR 198</b>
				*ERR (27 IR 1575)	808 IAC 2-1-12	A	03-226	27 IR 2564	<b>28 IR 199</b>
760 IAC 1-60-1	RA	04-143	27 IR 3706	<b>28 IR 1072</b>	808 IAC 2-7-14	A	03-226	27 IR 2564	<b>28 IR 199</b>
760 IAC 1-60-2	RA	04-143	27 IR 3706	<b>28 IR 1072</b>	808 IAC 2-8-7	R	03-226	27 IR 2566	<b>28 IR 200</b>
760 IAC 1-60-3	A	03-258	27 IR 2070	<b>27 IR 2729</b>	808 IAC 2-9-5	A	03-226	27 IR 2564	<b>28 IR 199</b>
760 IAC 1-60-4	RA	04-143	27 IR 3706	<b>28 IR 1072</b>	808 IAC 2-12-0.5	N	03-227	27 IR 2566	*ARR (28 IR 215)
760 IAC 1-60-5	A	03-258	27 IR 2072	<b>27 IR 2730</b>					<b>28 IR 201</b>
760 IAC 1-69	N	03-8	26 IR 3945	<b>27 IR 872</b>	808 IAC 2-12-2	N	03-227	27 IR 2567	*ARR (28 IR 215)
760 IAC 1-70	N	04-39	27 IR 2560						<b>28 IR 201</b>
			28 IR 314		808 IAC 2-12-3	N	03-227	27 IR 2567	*ARR (28 IR 215)
760 IAC 2-1-1	A	03-303	27 IR 3306	<b>28 IR 563</b>					<b>28 IR 201</b>
760 IAC 2-2-1.5	N	03-303	27 IR 3306	<b>28 IR 563</b>	808 IAC 2-12-4	N	03-227	27 IR 2567	*ARR (28 IR 215)
760 IAC 2-2-3.1	N	03-303	27 IR 3307	<b>28 IR 563</b>					<b>28 IR 202</b>

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808 IAC 2-12-5	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-3-5	A	03-188	27 IR 1228	<b>27 IR 3523</b>
808 IAC 2-12-6	N	03-227	27 IR 2567	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-3-6	A	03-188	27 IR 1229	<b>27 IR 3524</b>
808 IAC 2-12-7	N	03-227	27 IR 2568	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-4-1	A	03-188	27 IR 1230	<b>27 IR 3525</b>
808 IAC 2-12-8	N	03-227	27 IR 2568	*ARR (28 IR 215) <b>28 IR 202</b>	836 IAC 1-4-2	A	03-188	27 IR 1230	<b>27 IR 3525</b>
808 IAC 2-18-1	A	03-226	27 IR 2565	*ARR (28 IR 215) <b>28 IR 199</b>	836 IAC 1-11-1	A	03-188	27 IR 1231	<b>27 IR 3526</b>
808 IAC 2-22-1	A	03-226	27 IR 2565	<b>28 IR 199</b>	836 IAC 1-11-2	A	03-188	27 IR 1231	<b>27 IR 3526</b>
TITLE 820 STATE BOARD OF COSMETOLOGY EXAMINERS					836 IAC 1-11-3	A	03-188	27 IR 1232	<b>27 IR 3527</b>
820 IAC 4-1-11	A	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 515</b>	836 IAC 1-11-4	A	03-188	27 IR 1234	<b>27 IR 3529</b>
820 IAC 4-3-1	A	04-254	28 IR 1059		836 IAC 1-12	N	03-188	27 IR 1235	<b>27 IR 3530</b>
820 IAC 6-1-3	A	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 516</b>	836 IAC 2-1-1	A	03-188	27 IR 1239	<b>27 IR 3534</b>
820 IAC 6-3	N	03-21	26 IR 3137	*AROC (26 IR 3426) <b>27 IR 516</b>	836 IAC 2-2-1	A	03-188	27 IR 1240	<b>27 IR 3535</b>
TITLE 828 STATE BOARD OF DENTISTRY					836 IAC 2-2-2	A	03-188	27 IR 1243	<b>27 IR 3537</b>
828 IAC 0.5-2-3	A	04-233	28 IR 670	*AROC (28 IR 1073)	836 IAC 2-2-3	A	03-188	27 IR 1244	<b>27 IR 3538</b>
828 IAC 1-1-3	A	03-73	26 IR 3408	*CPH (26 IR 3904) <b>27 IR 2278</b>	836 IAC 2-2-4	N	03-188	27 IR 1245	<b>27 IR 3540</b>
828 IAC 1-1-6	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-4-1-1	A	03-188	27 IR 1245	<b>27 IR 3540</b>
828 IAC 1-1-7	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-4-1-2	A	03-188	27 IR 1246	<b>27 IR 3541</b>
828 IAC 1-1-12	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-7.1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
828 IAC 1-2-3	A	03-73	26 IR 3409	*CPH (26 IR 3904) <b>27 IR 2279</b>	836 IAC 2-7.2-1	A	03-188	27 IR 1247	<b>27 IR 3542</b>
828 IAC 1-2-6	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>	836 IAC 2-7.2-2	A	03-188	27 IR 1250	<b>27 IR 3544</b>
828 IAC 1-2-7	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>	836 IAC 2-7.2-3	A	03-188	27 IR 1250	<b>27 IR 3545</b>
828 IAC 1-2-12	A	03-73	26 IR 3410	*CPH (26 IR 3904) <b>27 IR 2280</b>	836 IAC 2-7.2-4	N	03-188	27 IR 1252	<b>27 IR 3547</b>
828 IAC 1-5-6	N	03-162	27 IR 2334	*SPE	836 IAC 2-11-1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
828 IAC 5	N	04-189	28 IR 669		836 IAC 2-14-1	A	03-188	27 IR 1252	<b>27 IR 3547</b>
	N	04-233	28 IR 671	*AROC (28 IR 1073)	836 IAC 2-14-2	A	03-188	27 IR 1253	<b>27 IR 3547</b>
TITLE 830 INDIANA DIETITIANS CERTIFICATION BOARD					836 IAC 2-14-3	A	03-188	27 IR 1253	<b>27 IR 3548</b>
830 IAC 1-1	RA	04-6	27 IR 2340	<b>28 IR 325</b>	836 IAC 2-14-5	A	03-188	27 IR 1255	<b>27 IR 3549</b>
830 IAC 1-2-1	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-1-1	A	03-188	27 IR 1256	<b>27 IR 3550</b>
830 IAC 1-2-2	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-1	A	03-188	27 IR 1256	<b>27 IR 3551</b>
830 IAC 1-2-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-2	A	03-188	27 IR 1258	<b>27 IR 3552</b>
830 IAC 1-2-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-3	A	03-188	27 IR 1258	<b>27 IR 3553</b>
830 IAC 1-2-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-4	A	03-188	27 IR 1259	<b>27 IR 3554</b>
830 IAC 1-3	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-5	A	03-188	27 IR 1260	<b>27 IR 3555</b>
830 IAC 1-4	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-6	A	03-188	27 IR 1261	<b>27 IR 3555</b>
830 IAC 1-5	RA	03-55	26 IR 3755	<b>27 IR 946</b>	836 IAC 3-2-7	A	03-188	27 IR 1261	<b>27 IR 3556</b>
TITLE 836 INDIANA EMERGENCY MEDICAL SERVICES COMMISSION					836 IAC 3-3-1	A	03-188	27 IR 1262	<b>27 IR 3556</b>
836 IAC 1-1-1	A	03-188	27 IR 1212	<b>27 IR 3507</b>	836 IAC 3-3-2	A	03-188	27 IR 1263	<b>27 IR 3558</b>
836 IAC 1-1-2	A	03-188	27 IR 1215	<b>27 IR 3510</b>	836 IAC 3-3-3	A	03-188	27 IR 1264	<b>27 IR 3558</b>
836 IAC 1-1-3	A	03-188	27 IR 1216	<b>27 IR 3511</b>	836 IAC 3-3-4	A	03-188	27 IR 1264	<b>27 IR 3559</b>
836 IAC 1-1-4	N	03-188	27 IR 1217	<b>27 IR 3512</b>	836 IAC 3-3-5	A	03-188	27 IR 1266	<b>27 IR 3560</b>
836 IAC 1-1-5	N	03-188	27 IR 1217	<b>27 IR 3512</b>	836 IAC 3-3-6	A	03-188	27 IR 1266	<b>27 IR 3561</b>
836 IAC 1-1-6	N	03-188	27 IR 1219	<b>27 IR 3514</b>	836 IAC 3-3-7	A	03-188	27 IR 1267	<b>27 IR 3561</b>
836 IAC 1-1-7	N	03-188	27 IR 1220	<b>27 IR 3514</b>	836 IAC 3-5-1	A	03-188	27 IR 1267	<b>27 IR 3562</b>
836 IAC 1-1-8	N	03-188	27 IR 1220	<b>27 IR 3515</b>	836 IAC 4-1-1	A	03-188	27 IR 1267	<b>27 IR 3562</b>
836 IAC 1-2-1	A	03-188	27 IR 1221	<b>27 IR 3516</b>	836 IAC 4-2-1	A	03-188	27 IR 1270	<b>27 IR 3564</b>
836 IAC 1-2-2	A	03-188	27 IR 1222	<b>27 IR 3517</b>	836 IAC 4-2-2	A	03-188	27 IR 1270	<b>27 IR 3565</b>
836 IAC 1-2-3	A	03-188	27 IR 1222	<b>27 IR 3517</b>	836 IAC 4-2-3	A	03-188	27 IR 1271	<b>27 IR 3566</b>
836 IAC 1-2-5	N	03-188	27 IR 1225	<b>27 IR 3520</b>	836 IAC 4-2-4	A	03-188	27 IR 1272	<b>27 IR 3567</b>
836 IAC 1-3-1	A	03-188	27 IR 1225	<b>27 IR 3520</b>	836 IAC 4-3-2	A	03-188	27 IR 1272	<b>27 IR 3567</b>
836 IAC 1-3-2	A	03-188	27 IR 1226	<b>27 IR 3520</b>	836 IAC 4-3-3	A	03-188	27 IR 1273	<b>27 IR 3568</b>
836 IAC 1-3-3	A	03-188	27 IR 1226	<b>27 IR 3521</b>	836 IAC 4-4-1	A	03-188	27 IR 1273	<b>27 IR 3568</b>
					836 IAC 4-4-2	A	03-188	27 IR 1274	<b>27 IR 3569</b>
					836 IAC 4-4-3	A	03-188	27 IR 1275	<b>27 IR 3570</b>
					836 IAC 4-5-2	A	03-188	27 IR 1275	<b>27 IR 3570</b>
					836 IAC 4-6-1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
					836 IAC 4-7-1	A	03-188	27 IR 1276	<b>27 IR 3571</b>
					836 IAC 4-7-2	A	03-188	27 IR 1276	<b>27 IR 3571</b>
					836 IAC 4-7-3	A	03-188	27 IR 1277	<b>27 IR 3572</b>
					836 IAC 4-7-3.5	A	03-188	27 IR 1277	<b>27 IR 3573</b>
					836 IAC 4-7-4	A	03-188	27 IR 1278	<b>27 IR 3573</b>
					836 IAC 4-7.1-1	A	03-188	27 IR 1278	<b>27 IR 3573</b>
					836 IAC 4-7.1-2	A	03-188	27 IR 1278	<b>27 IR 3574</b>
					836 IAC 4-7.1-3	A	03-188	27 IR 1279	<b>27 IR 3574</b>
					836 IAC 4-7.1-4	A	03-188	27 IR 1280	<b>27 IR 3575</b>
					836 IAC 4-7.1-5	A	03-188	27 IR 1280	<b>27 IR 3575</b>
					836 IAC 4-7.1-6	A	03-188	27 IR 1281	<b>27 IR 3576</b>
					836 IAC 4-8-1	R	03-188	27 IR 1283	<b>27 IR 3579</b>
					836 IAC 4-9-1	A	03-188	27 IR 1281	<b>27 IR 3576</b>
					836 IAC 4-9-2	A	03-188	27 IR 1281	<b>27 IR 3576</b>
					836 IAC 4-9-3	A	03-188	27 IR 1282	<b>27 IR 3577</b>

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836 IAC 4-9-4	A	03-188	27 IR 1282	<b>27 IR 3577</b>	TITLE 848 INDIANA STATE BOARD OF NURSING			
836 IAC 4-9-5	A	03-188	27 IR 1282	<b>27 IR 3578</b>	848 IAC 1-1-6	A	04-97 28 IR 674	
836 IAC 4-9-6	A	03-188	27 IR 1283	<b>27 IR 3578</b>	848 IAC 1-1-7	A	04-97 28 IR 675	
TITLE 839 SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST, AND MENTAL HEALTH COUNSELOR BOARD					848 IAC 1-1-2.1	A	04-65 27 IR 2865	<b>28 IR 593</b>
839 IAC 1-3-2	A	02-270	26 IR 871	*ARR (26 IR 1945)	848 IAC 1-2-1	A	04-65 27 IR 2866	<b>28 IR 594</b>
			26 IR 3411	<b>27 IR 517</b>	848 IAC 1-2-5	A	04-65 27 IR 2866	<b>28 IR 594</b>
839 IAC 1-4-5	A	02-270	26 IR 871	*ARR (26 IR 1945)	848 IAC 1-2-6	A	04-65 27 IR 2867	<b>28 IR 595</b>
			26 IR 3411	<b>27 IR 518</b>	848 IAC 1-2-7	A	04-65 27 IR 2868	<b>28 IR 596</b>
839 IAC 1-5-1	A	02-270	26 IR 872	*ARR (26 IR 1945)	848 IAC 1-2-8	A	04-65 27 IR 2868	<b>28 IR 596</b>
			26 IR 3412	<b>27 IR 518</b>	848 IAC 1-2-8.5	N	04-65 27 IR 2868	<b>28 IR 596</b>
839 IAC 1-5-1.5	N	02-270	26 IR 874	*ARR (26 IR 1945)	848 IAC 1-2-9	A	04-65 27 IR 2869	<b>28 IR 597</b>
			26 IR 3414	<b>27 IR 520</b>	848 IAC 1-2-10	A	04-65 27 IR 2869	<b>28 IR 597</b>
TITLE 840 INDIANA STATE BOARD OF HEALTH FACILITY ADMINISTRATORS					848 IAC 1-2-12	A	04-65 27 IR 2870	<b>28 IR 598</b>
840 IAC 1-1-6	A	03-189	27 IR 566	<b>27 IR 1880</b>	848 IAC 1-2-13	A	04-65 27 IR 2870	<b>28 IR 598</b>
840 IAC 1-2-1	A	03-190	27 IR 566	<b>27 IR 1881</b>	848 IAC 1-2-14	A	04-65 27 IR 2870	<b>28 IR 599</b>
TITLE 844 MEDICAL LICENSING BOARD OF INDIANA					848 IAC 1-2-16	A	04-65 27 IR 2871	<b>28 IR 599</b>
844 IAC 4-4.5-12	A	03-325	27 IR 2334	<b>27 IR 3072</b>	848 IAC 1-2-17	A	04-65 27 IR 2872	<b>28 IR 600</b>
844 IAC 5-1-1	A	02-268	26 IR 2117	<b>27 IR 521</b>	848 IAC 1-2-18	A	04-65 27 IR 2872	<b>28 IR 600</b>
844 IAC 5-1-3	A	02-268	26 IR 2118	<b>27 IR 522</b>	848 IAC 1-2-19	A	04-65 27 IR 2873	<b>28 IR 601</b>
844 IAC 5-3	N	02-268	26 IR 2118	<b>27 IR 522</b>	848 IAC 1-2-20	A	04-65 27 IR 2873	<b>28 IR 601</b>
844 IAC 5-4	N	02-268	26 IR 2120	<b>27 IR 524</b>	848 IAC 1-2-21	A	04-65 27 IR 2873	<b>28 IR 602</b>
				*ERR (27 IR 538)	848 IAC 1-2-22	A	04-65 27 IR 2874	<b>28 IR 602</b>
844 IAC 6-1-2	A	03-262	27 IR 1284	<b>28 IR 209</b>	848 IAC 1-2-23	A	04-65 27 IR 2874	<b>28 IR 602</b>
844 IAC 6-1-4	A	03-261	27 IR 1635	*CPH (27 IR 2300)	848 IAC 1-2-24	A	04-65 27 IR 2874	<b>28 IR 603</b>
				<b>28 IR 203</b>	848 IAC 5-1-1	A	03-34 26 IR 3947	<b>27 IR 1571</b>
844 IAC 6-3-1	A	03-261	27 IR 1636	*CPH (27 IR 2300)	848 IAC 5-1-3	A	03-34 26 IR 3948	<b>27 IR 1573</b>
				<b>28 IR 203</b>	848 IAC 6	R	04-97 28 IR 675	
844 IAC 6-3-2	A	03-261	27 IR 1636	*CPH (27 IR 2300)	TITLE 856 INDIANA BOARD OF PHARMACY			
				<b>28 IR 204</b>	856 IAC 1-27-1	A	03-191 27 IR 276	<b>27 IR 1574</b>
844 IAC 6-3-4	A	03-261	27 IR 1637	*CPH (27 IR 2300)	856 IAC 1-30-2	A	04-173 28 IR 317	
				<b>28 IR 204</b>	856 IAC 1-30-3	A	04-173 28 IR 318	
844 IAC 6-3-5	A	03-261	27 IR 1637	*CPH (27 IR 2300)	856 IAC 1-30-4.1	N	04-173 28 IR 318	
				<b>28 IR 205</b>	856 IAC 1-30-4.2	N	04-173 28 IR 318	
844 IAC 6-3-6	N	03-261	27 IR 1638	*CPH (27 IR 2300)	856 IAC 1-30-4.3	N	04-173 28 IR 318	
				<b>28 IR 205</b>	856 IAC 1-30-4.4	N	04-173 28 IR 318	
844 IAC 6-4-3	A	03-261	27 IR 1638	*CPH (27 IR 2300)	856 IAC 1-30-4.5	N	04-173 28 IR 318	
				<b>28 IR 206</b>	856 IAC 1-30-4.6	N	04-173 28 IR 318	
844 IAC 6-6-1	R	03-261	27 IR 1642	*CPH (27 IR 2300)	856 IAC 1-30-6	A	04-173 28 IR 319	
				<b>28 IR 209</b>	856 IAC 1-30-7	A	04-173 28 IR 319	
844 IAC 6-6-2	R	03-261	27 IR 1642	*CPH (27 IR 2300)	856 IAC 1-30-8	A	04-173 28 IR 319	
				<b>28 IR 209</b>	856 IAC 1-30-9	A	04-173 28 IR 320	
844 IAC 6-6-3	A	03-261	27 IR 1638	*CPH (27 IR 2300)	856 IAC 1-30-14	A	04-173 28 IR 320	
				<b>28 IR 206</b>	856 IAC 1-30-17	A	04-173 28 IR 321	
844 IAC 6-6-4	A	03-261	27 IR 1639	*CPH (27 IR 2300)	856 IAC 1-30-18	A	04-173 28 IR 321	
				<b>28 IR 207</b>	856 IAC 1-33-1	A	03-154 26 IR 3949	
844 IAC 6-7-2	A	03-261	27 IR 1639	*CPH (27 IR 2300)			27 IR 274	*ARR (27 IR 1185)
				<b>28 IR 211</b>			27 IR 275	<b>27 IR 3073</b>
844 IAC 10-4-1	A	03-329	27 IR 2568		856 IAC 1-33-1.5	A	03-326 27 IR 2073	*ARR (27 IR 1185)
844 IAC 12-5-4	A	04-17	28 IR 316			N	03-154 27 IR 274	<b>27 IR 3073</b>
TITLE 845 BOARD OF PODIATRIC MEDICINE					856 IAC 1-33-2	A	03-154 26 IR 3949	*ARR (27 IR 1185)
845 IAC 1-3-1	A	03-46	26 IR 2683	<b>27 IR 526</b>			27 IR 275	<b>27 IR 3073</b>
845 IAC 1-3-2	A	03-46	26 IR 2683	<b>27 IR 526</b>	856 IAC 1-33-4	A	03-154 26 IR 3950	*ARR (27 IR 1185)
845 IAC 1-3-3	N	03-46	26 IR 2684	<b>27 IR 527</b>			27 IR 275	<b>27 IR 3074</b>
845 IAC 1-4.1-1	A	03-46	26 IR 2684	<b>27 IR 527</b>			27 IR 274	*ARR (27 IR 1185)
845 IAC 1-4.1-2	A	03-46	26 IR 2684	<b>27 IR 527</b>	856 IAC 2-7	N	02-258 26 IR 1725	<b>27 IR 181</b>
845 IAC 1-4.1-4	R	03-46	26 IR 2686	<b>27 IR 528</b>	TITLE 858 CONTROLLED SUBSTANCES ADVISORY COMMITTEE			
845 IAC 1-4.1-7	A	03-46	26 IR 2685	<b>27 IR 527</b>	858 IAC 2-1-1	A	03-281 27 IR 1285	<b>27 IR 2731</b>
845 IAC 1-5-1	A	03-46	26 IR 2685	<b>27 IR 527</b>	858 IAC 2-1-2	A	03-281 27 IR 1286	<b>27 IR 2731</b>
845 IAC 1-5-2	R	02-341	26 IR 2682	<b>27 IR 525</b>	858 IAC 2-1-3	A	03-281 27 IR 1286	<b>27 IR 2731</b>
845 IAC 1-5-2.1	N	02-341	26 IR 2682	<b>27 IR 525</b>	858 IAC 2-1-4	A	03-281 27 IR 1286	<b>27 IR 2732</b>
845 IAC 1-5-3	A	03-46	26 IR 2685	<b>27 IR 528</b>	TITLE 862 PRIVATE DETECTIVES LICENSING BOARD			
			04-134	28 IR 317	862 IAC 1-1-3	A	03-313 27 IR 2074	<b>27 IR 4020</b>
845 IAC 1-6-8	R	03-47	26 IR 2686	<b>27 IR 529</b>				
845 IAC 1-6-9	N	03-47	26 IR 2686	<b>27 IR 529</b>				

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TITLE 864 STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS				872 IAC 1-1-9.5	A	03-126	27 IR 279	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2735</b>
864 IAC 1.1-2-2	A	03-125	26 IR 3737					
864 IAC 1.1-2-4	A	03-301	27 IR 2569					
864 IAC 1.1-4.1-9	A	03-301		872 IAC 1-1-10	A	03-126	27 IR 279	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2735</b>
864 IAC 1.1-12-1	A	03-301	27 IR 2569					
864 IAC 1.1-12-2	N	03-301	27 IR 2570					
864 IAC 1.1-14	N	03-125	26 IR 3739					
TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS				872 IAC 1-1-12	A	03-126	27 IR 280	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2736</b>
865 IAC 1-7-3	A	03-22	26 IR 3950					
865 IAC 1-10-23	R	03-22	26 IR 3958					
865 IAC 1-10-24	R	03-22	26 IR 3958	872 IAC 1-1-14	A	03-126	27 IR 280	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2737</b>
865 IAC 1-11-1	A	03-300	27 IR 2570					
	A	04-175	28 IR 1059					
865 IAC 1-12-2	A	03-22	26 IR 3951					
865 IAC 1-12-3	A	03-22	26 IR 3952	872 IAC 1-1-17	R	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2738</b>
865 IAC 1-12-5	A	03-22	26 IR 3952					
865 IAC 1-12-6	A	03-22	26 IR 3953	872 IAC 1-1-19	A	03-126	27 IR 281	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2737</b>
865 IAC 1-12-7	A	03-22	26 IR 3953					
865 IAC 1-12-9	A	03-22	26 IR 3954	872 IAC 1-1-22	R	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2738</b>
865 IAC 1-12-10	A	03-22	26 IR 3954					
865 IAC 1-12-11	A	03-22	26 IR 3954	872 IAC 1-1-23	R	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2738</b>
865 IAC 1-12-12	A	03-22	26 IR 3954					
865 IAC 1-12-13	A	03-22	26 IR 3955	872 IAC 1-1-25	A	03-126	27 IR 282	*ARR (27 IR 1185) *CPH (27 IR 1196) <b>27 IR 2738</b>
865 IAC 1-12-14	A	03-22	26 IR 3956					
865 IAC 1-12-18	A	03-22	26 IR 3956					
865 IAC 1-13-4	A	03-41	26 IR 3739	872 IAC 1-3-3.3	A	04-98	27 IR 3336	<b>28 IR 605</b>
865 IAC 1-13-5	A	03-187	27 IR 943	872 IAC 1-3-16	A	04-5	27 IR 2335	<b>28 IR 211</b>
				872 IAC 1-6	N	03-270	27 IR 2571	*AROC (27 IR 4141) <b>28 IR 966</b>
865 IAC 1-13-7	A	03-41	26 IR 3739					
865 IAC 1-13-20	R	03-41	26 IR 3740					
865 IAC 1-14-13	A	03-41	26 IR 3740					
865 IAC 1-14-14	A	03-41	26 IR 3740					
865 IAC 1-14-15	A	03-41	26 IR 3740					
865 IAC 1-14-20	R	03-41	26 IR 3740					
TITLE 868 STATE PSYCHOLOGY BOARD				TITLE 876 INDIANA REAL ESTATE COMMISSION				
868 IAC 2	N	03-60	26 IR 3741	876 IAC 1-1-19	A	03-124	26 IR 3744	<b>27 IR 877</b>
				876 IAC 1-4-1	A	03-42	26 IR 3142	<b>27 IR 186</b>
				876 IAC 1-4-2	A	03-42	26 IR 3142	<b>27 IR 186</b>
				876 IAC 2-18	N	03-256	27 IR 2575	<b>28 IR 213</b>
				876 IAC 3-2-7	A	03-273	27 IR 1642	<b>27 IR 2740</b>
					A	03-255	27 IR 2574	<b>28 IR 2142</b>
				876 IAC 3-3-3	A	03-23	26 IR 3415	<b>27 IR 530</b>
				876 IAC 3-3-4	A	03-23	26 IR 3416	<b>27 IR 531</b>
				876 IAC 3-3-5	A	03-23	26 IR 3417	<b>27 IR 532</b>
				876 IAC 3-4-8	A	03-23	26 IR 3418	<b>27 IR 533</b>
								*ERR (27 IR 538)
				876 IAC 3-5-1	A	02-245	26 IR 3139	<b>27 IR 184</b>
				876 IAC 3-5-1.5	A	02-245	26 IR 3140	<b>27 IR 185</b>
				876 IAC 3-5-2.5	N	03-273	27 IR 1643	<b>27 IR 2740</b>
				876 IAC 3-5-6.1	N	03-23	26 IR 3418	<b>27 IR 533</b>
				876 IAC 3-5-7	A	02-245	26 IR 3141	<b>27 IR 185</b>
				876 IAC 3-6-2	A	03-225	27 IR 1287	<b>27 IR 2738</b>
				876 IAC 3-6-3	A	03-225	27 IR 1287	<b>27 IR 2739</b>
				876 IAC 3-6-4	A	02-245	26 IR 3141	<b>27 IR 186</b>
				876 IAC 3-6-9	A	03-196	27 IR 282	<b>27 IR 1182</b>
				TITLE 878 HOME INSPECTORS LICENSING BOARD				
				878 IAC	N	04-191	28 IR 1060	
				TITLE 880 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD				
				880 IAC 1-2	R	03-53	26 IR 3422	<b>27 IR 537</b>
				880 IAC 1-2.1	N	03-53	26 IR 3419	<b>27 IR 534</b>
				TITLE 888 INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS				
				888 IAC 1.1-6-1	A	04-74	27 IR 2875	<b>28 IR 606</b>
					A	04-137	27 IR 3704	<b>28 IR 607</b>
				888 IAC 1.1-10-1	RA	03-77	26 IR 3148	<b>27 IR 946</b>
				888 IAC 1.1-10-2	RA	03-77	26 IR 3148	<b>27 IR 946</b>
				888 IAC 1.1-10-3	RA	03-77	26 IR 3148	<b>27 IR 946</b>
				888 IAC 1.1-10-4	RA	03-77	26 IR 3148	<b>27 IR 946</b>

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TITLE 905 ALCOHOL AND TOBACCO COMMISSION				Local Government Finance, Department of		
905 IAC 1-5.2-9	R	03-38	26 IR 2688	*ARR (27 IR 1185)	N 03-268	*ETR (27 IR 541)
			27 IR 1289	<b>27 IR 2282</b>	N 04-78	*ETR (27 IR 2502)
905 IAC 1-5.2-9.1	N	03-38	26 IR 2687	*ARR (27 IR 1185)	Lottery Commission, State	
			27 IR 1288	<b>27 IR 2281</b>	N 03-238	*ETR (27 IR 193)
905 IAC 1-5.2-9.2	N	03-38	26 IR 2687	*ARR (27 IR 1185)	N 03-239	*ETR (27 IR 194)
			27 IR 1289	<b>27 IR 2281</b>	N 03-240	*ETR (27 IR 196)
905 IAC 1-11.1-1	A	04-111	27 IR 3337		N 03-241	*ETR (27 IR 198)
	A	03-39	26 IR 2688	*ARR (27 IR 1185)	N 03-248	*ETR (27 IR 203)
				*CPH (27 IR 1196)	N 03-249	*ETR (27 IR 204)
				<b>27 IR 2282</b>	N 03-287	*ETR (27 IR 884)
905 IAC 1-11.1-2	A	03-39	26 IR 2688	*ARR (27 IR 1185)	N 03-288	*ETR (27 IR 885)
				*CPH (27 IR 1196)	N 03-289	*ETR (27 IR 886)
				<b>27 IR 2282</b>	N 03-290	*ETR (27 IR 888)
905 IAC 1-13-3	A	03-40	26 IR 2689	*ARR (27 IR 1185)	N 03-291	*ETR (27 IR 889)
				*CPH (27 IR 1196)	N 03-295	*ETR (27 IR 894)
				<b>27 IR 2283</b>	N 03-307	*ETR (27 IR 1187)
905 IAC 1-13-6	N	03-40	26 IR 2689	*ARR (27 IR 1185)	N 03-308	*ETR (27 IR 1187)
				*CPH (27 IR 1196)	N 03-309	*ETR (27 IR 1188)
				<b>27 IR 2283</b>	N 03-335	*ETR (27 IR 1598)
905 IAC 1-15.2-3	A	03-94	26 IR 3745	*ARR (27 IR 1185)	N 03-336	*ETR (27 IR 1599)
				*AWR (27 IR 2501)	N 03-337	*ETR (27 IR 1601)
	A	04-110	27 IR 3337		N 03-339	*ETR (27 IR 1605)
905 IAC 1-26-3	N	04-112	27 IR 3338		N 04-10	*ETR (27 IR 1892)
905 IAC 1-35.1	N	03-96	26 IR 3745	*ARR (27 IR 1185)	N 04-11	*ETR (27 IR 1892)
	N	03-96	27 IR 1290	*AROC (27 IR 1653)	N 04-12	*ETR (27 IR 1893)
				*AROC (27 IR 2580)	N 04-24	*ETR (27 IR 1894)
				<b>27 IR 2497</b>	N 04-25	*ETR (27 IR 1895)
905 IAC 1-36-2	A	03-97	26 IR 3747		N 04-27	*ETR (27 IR 1899)
905 IAC 1-43	RA	04-14	27 IR 2579	*CPH (27 IR 3096)	N 04-48	*ETR (27 IR 2287)
905 IAC 1-44	RA	04-109	27 IR 3343		N 04-49	*ETR (27 IR 2288)
905 IAC 1-45	N	02-338	26 IR 2128	*ERR (26 IR 2375)		*ERR (27 IR 2284)
				<b>27 IR 189</b>	N 04-50	*ETR (27 IR 2290)
905 IAC 1-45-2	A	03-319	27 IR 2576	*CPH (27 IR 3096)	N 04-51	*ETR (27 IR 2292)
905 IAC 1-45-3	A	03-319	27 IR 2576	*CPH (27 IR 3096)	N 04-52	*ETR (27 IR 2293)
905 IAC 1-46	N	03-279	27 IR 1291	*ARR (27 IR 4024)	N 04-53	*ETR (27 IR 2294)
				*AROC (27 IR 4141)	N 04-80	*ETR (27 IR 2506)
				<b>28 IR 969</b>	N 04-89	*ETR (27 IR 2506)
905 IAC 1-47	N	03-280	27 IR 1292	*AROC (27 IR 4142)	N 04-90	*ETR (27 IR 2508)
				<b>27 IR 4021</b>	N 04-91	*ETR (27 IR 2509)
905 IAC 1-48	N	04-115	27 IR 3339		N 04-92	*ETR (27 IR 2510)
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					N 04-129	*ETR (27 IR 2747)
					N 04-131	*ETR (27 IR 2751)
					N 04-132	*ETR (27 IR 2752)
					N 04-165	*ETR (27 IR 3080)
					N 04-166	*ETR (27 IR 3080)
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					N 04-221	*ETR (27 IR 4036)
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					N 04-239	*ETR (28 IR 218)
					N 04-240	*ETR (28 IR 219)
					N 04-242	*ETR (28 IR 223)
					N 04-243	*ETR (28 IR 224)
					N 04-244	*ETR (28 IR 226)
					R 04-249	*ETR (28 IR 227)
					N 04-250	*ETR (28 IR 227)
					N 04-251	*ETR (28 IR 228)
					N 04-265	*ETR (28 IR 613)
					N 04-266	*ETR (28 IR 614)
					N 04-266	*ETR (28 IR 614)
					N 04-280	*ETR (28 IR 972)
					N 04-281	*ETR (28 IR 973)
					N 04-282	*ETR (28 IR 974)
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910 IAC 2-4-6	N	03-254	27 IR 1644	<b>27 IR 3074</b>		
910 IAC 2-4-7	N	03-254	27 IR 1644	<b>27 IR 3075</b>		
910 IAC 2-4-8	N	03-254	27 IR 1645	<b>27 IR 3076</b>		
910 IAC 2-4-9	N	03-254	27 IR 1645	<b>27 IR 3076</b>		
910 IAC 2-4-10	N	03-254	27 IR 1646	<b>27 IR 3077</b>		
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	A	04-33		*ETR (27 IR 1931)		
Air Pollution Control Board						
	N	04-9		*ETR (27 IR 1608)		
	N	04-81		*ETR (27 IR 2516)		
	N	04-154		*ETR (27 IR 3091)		
Animal Health, Indiana State Board of						
	A	04-29		*ETR (27 IR 1930)		
	A	04-119		*ETR (27 IR 2758)		
Boiler and Pressure Vessel Rules Board						
	A	04-37		*ETR (27 IR 2296)		
Children's Health Insurance Program, Office of the						
	A	04-104		*ETR (27 IR 2519)		
	N	04-192		*ETR (27 IR 3587)		
Family and Social Services, Office of the Secretary of						
	N	03-265		*ETR (27 IR 544)		
	N	03-266		*ETR (27 IR 546)		
	A	03-340		*ETR (27 IR 1608)		
	A	04-85		*ETR (27 IR 2516)		
	A	04-151		*ETR (27 IR 3092)		
	A	04-246		*ETR (28 IR 230)		

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N	03-217	*ETR (27 IR 206)
N	03-242	*ETR (27 IR 544)
N	03-243	*ETR (27 IR 544)
N	03-306	*ETR (27 IR 1192)
N	03-341	*ETR (27 IR 1607)
N	04-20	*ETR (27 IR 1922)
N	04-45	*ETR (27 IR 2295)
N	04-59	*ETR (27 IR 2296)
N	04-79	*ETR (27 IR 2513)
N	04-82	*ETR (27 IR 2513)
N	04-83	*ETR (27 IR 2514)
N	04-86	*ETR (27 IR 2514)
N	04-87	*ETR (27 IR 2514)
		*ERR (27 IR 2499)
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N	04-126	*ETR (27 IR 2758)
N	04-150	*ETR (27 IR 3088)
N	04-152	*ETR (27 IR 3089)
N	04-153	*ETR (27 IR 3091)
N	04-183	*ETR (27 IR 3587)
N	04-205	*ETR (27 IR 4037)
		*ERR (28 IR 214)
N	04-207	*ETR (27 IR 4039)
N	04-223	*ETR (27 IR 4040)
R	04-245	*ETR (28 IR 230)
		*ERR (28 IR 214)
R	04-247	*ETR (28 IR 230)
R	04-257	*ETR (28 IR 615)
N	04-258	*ETR (28 IR 615)
N	04-259	*ETR (28 IR 615)
N	04-260	*ETR (28 IR 616)
N	04-262	*ETR (28 IR 616)
N	04-264	*ETR (28 IR 616)
N	04-285	*ETR (28 IR 981)

### Revenue, Department of State

A	03-304	*ETR (27 IR 879)
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### Tax Review, Indiana Board of

N	03-327	*ETR (27 IR 1577)
N	03-328	*ETR (27 IR 1585)
N	04-108	*ETR (27 IR 2504)
N	04-184	*ETR (27 IR 3581)
N	04-261	*ETR (28 IR 612)

### Utility Regulatory Commission, Indiana

N	03-267	*ETR (27 IR 543)
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### Water Pollution Control Board

A	03-299	*ETR (27 IR 897)
A	04-38	*ETR (27 IR 1923)

### \*Key:

A:	Amended Text
AGA:	Attorney General's Action
AROC:	Administrative Rules Oversight Committee Notice
ARR:	Agency Recalls Rule
AWR:	Agency Withdrew Rule
CPH:	Change in Public Hearing
DAG:	Disapproved by Attorney General
DG:	Disapproved by Governor
ER:	Emergency Rule
ERR:	Errata
ETR:	Emergency Temporary Rule
ETS:	Emergency Temporary Standard
GRAT:	Governor Requires Additional Time
N:	New Text
NRA:	Notice of Rule Adoption
OAC:	Objection to Errata
ON:	Other Notices of Administrative Action
R:	Repealed Text
RA:	Readopted Rule
SAC:	Solicitation of Advance Comment
SPE:	Statutory Period for Promulgation Expired
SPE-SE:	Statutory Period for Promulgation Expired; Signed After Expiration
††:	Renumbered or Added in Final Rule

CITATIONS TO FINAL RULES ARE IN **BOLD TYPE**

\*The index is cumulative for all proposed and final rulemaking actions published after September 1, 2003. Final rules published before that date have been incorporated into the 2004 edition of the Indiana Administrative Code. Indiana Register citations in roman type are to the volume and page on which the proposed version of the rule appears. Entries in **bold type** indicate the page on which a final rule filed with the Secretary of State appears.

<b>ACCOUNTANCY, INDIANA BOARD OF</b>	Graduation; accreditation		Initial training course requirements	
GENERAL PROVISIONS	LSA Document #04-33(E)	<b>27 IR 1931</b>	326 IAC 18-2-3	26 IR 2089
Permits to Practice; Continuing Education	872 IAC 1-1-6.2	27 IR 277		<b>28 IR 104</b>
College courses as CPE		<b>27 IR 2733</b>		27 IR 3136
872 IAC 1-3-3.3	Requirements for examination		<b>EMISSION LIMITATIONS FOR SPECIFIC</b>	
	LSA Document #04-33(E)	<b>27 IR 1931</b>	TYPE OF OPERATIONS	
Prorated continuing education requirements	872 IAC 1-1-9	27 IR 279	Coke Oven Batteries	
for holders of certificates granted during a		<b>27 IR 2735</b>	Compliance determination	
reporting period	Time of holding examinations; notice		326 IAC 11-3-4	26 IR 2060
872 IAC 1-3-16	LSA Document #04-33(E)	<b>27 IR 1931</b>		<b>28 IR 74</b>
	872 IAC 1-1-14	27 IR 280	<b>Municipal Waste Combustors</b>	
Quality Review		<b>27 IR 2737</b>	Applicability	
872 IAC 1-6	Transfer of credits		326 IAC 11-7-1	26 IR 2061
	LSA Document #04-33(E)	<b>27 IR 1931</b>		<b>28 IR 75</b>
	872 IAC 1-1-25	27 IR 282	<b>EMISSION STANDARDS FOR HAZARDOUS</b>	
Requirements for Certification, Licensure, and		<b>27 IR 2738</b>	AIR POLLUTANTS	
Registration	<b>ADMINISTRATION, INDIANA DEPART-</b>		Emission Limitations for Benzene from Furnace	
Acceptance of degrees; previously not accredited	<b>MENT OF</b>		Coke Oven By-Product Plants	
LSA Document #04-33(E)	EXECUTIVE AGENCY LOBBYING		Equipment leaks	
872 IAC 1-1-6.5	25 IAC 6	27 IR 3595	326 IAC 14-9-5	26 IR 2070
				<b>28 IR 84</b>
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LSA Document #04-33(E)	ASBESTOS MANAGEMENT		326 IAC 14-9-9	26 IR 2071
872 IAC 1-1-6.4	Asbestos Management Personnel; Licensing			<b>28 IR 86</b>
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	326 IAC 18-1-1	27 IR 3128	326 IAC 14-9-8	26 IR 2071
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LSA Document #04-33(E)	326 IAC 18-1-5	26 IR 2086	<b>Emission Standards for Asbestos; Demolition</b>	
872 IAC 1-1-10		<b>28 IR 101</b>	and Renovation Operations	
		27 IR 3132	Applicability	
Applications for examination or registration;	Asbestos license; qualifications		326 IAC 14-10-1	26 IR 2072
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LSA Document #04-33(E)	Asbestos license; revocation; denial		Definitions	
872 IAC 1-1-2	326 IAC 18-1-7	26 IR 2087	326 IAC 14-10-2	26 IR 2074
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872 IAC 1-1-19	General provisions	27 IR 3128	Procedures for asbestos emission control	
	326 IAC 18-1-3	27 IR 3130	326 IAC 14-10-4	26 IR 2078
Contents of examinations; grading	License fee; application fee			<b>28 IR 93</b>
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872 IAC 1-1-12	License requirements for contractors perform-		Applicability; incorporation by reference of	
	ing asbestos projects		federal standards	
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872 IAC 1-1-6.6	Renewal of asbestos license		<b>Emission Standard for Beryllium Rocket Motor</b>	
	326 IAC 18-1-6	27 IR 3133	Firing	
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LSA Document #04-33(E)	Approval		federal standards	
872 IAC 1-1-9.5	Definitions		326 IAC 14-4-1	26 IR 2067
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872 IAC 1-1-6.1	Initial and refresher training courses; applica-	27 IR 3134	Emission Sources)	
	tion for approval		Applicability	
	326 IAC 18-2-7	26 IR 2097	326 IAC 14-8-1	26 IR 2068
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872 IAC 1-1-8	326 IAC 18-2-6	26 IR 2096		<b>28 IR 84</b>
		<b>28 IR 111</b>	Reporting requirements	
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872 IAC 1-1-8.3				

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	<b>28 IR 83</b>	Brick and Structural Clay Products		Refractory Products Manufacturing	
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326 IAC 14-7-1	26 IR 2068	326 IAC 20-54	26 IR 3091	Reinforced Plastic Composites Production	
	<b>28 IR 83</b>	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicemical Pulp Mills		326 IAC 20-56	27 IR 3126
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Applicability; incorporation by reference of federal standards			<b>27 IR 2473</b>	326 IAC 20-55	26 IR 3091
326 IAC 14-5-1	26 IR 2068	Clay Ceramics Manufacturing			<b>27 IR 2474</b>
	<b>28 IR 82</b>	326 IAC 20-73	27 IR 3169	Secondary Aluminum	
General Provisions		Coke Ovens: Pushing, Quenching, and Battery Stacks		326 IAC 20-70	27 IR 1620
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326 IAC 14-1-1	26 IR 2066	Emissions from Reinforced Plastics Composites		Semiconductor Manufacturing	
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326 IAC 1-2-52	27 IR 3120		<b>28 IR 122</b>	Surface Coating of Large Appliances	
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326 IAC 1-2-52.2	27 IR 3120	326 IAC 20-76	27 IR 3169		<b>28 IR 121</b>
“PM <sub>10</sub> ” defined		Leather Finishing Operations		Surface Coating of Metal Cans	
326 IAC 1-2-52.4	27 IR 3121	326 IAC 20-53	26 IR 3091	326 IAC 20-86	28 IR 999
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326 IAC 1-2-90	26 IR 1998	Miscellaneous Organic Chemical Manufacturing		326 IAC 20-79	27 IR 3170
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326 IAC 1-1-3	26 IR 1997	Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units		326 IAC 23-1-5	26 IR 2408
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“Lead abated waste” defined 326 IAC 23-1-34.8	26 IR 2411 <b>27 IR 463</b>	Fees 326 IAC 23-2-8	26 IR 2421 <b>27 IR 474</b>	Post-abatement clearance procedures 326 IAC 23-4-9	26 IR 2434 <b>27 IR 487</b>
“Loading” defined 326 IAC 23-1-48.5	26 IR 2411 <b>27 IR 463</b>	Lead-based paint license reciprocity 326 IAC 23-2-6.5	26 IR 2419 <b>27 IR 472</b>	Record keeping 326 IAC 23-4-13	26 IR 2435 <b>27 IR 488</b>
“Paint in poor condition” defined 326 IAC 23-1-52	26 IR 2411 <b>27 IR 463</b>	Lead-based paint license revocation; denial 326 IAC 23-2-7	26 IR 2420 <b>27 IR 473</b>	Risk assessment 326 IAC 23-4-4	26 IR 2430 <b>27 IR 483</b>
“Paint-lead hazard” defined 326 IAC 23-1-52.5	26 IR 2411 <b>27 IR 464</b>	License; application 326 IAC 23-2-4	26 IR 2416 <b>27 IR 469</b>	Work Practice Standards for Nonabatement Activities 326 IAC 23-5	26 IR 2436 <b>27 IR 489</b>
“Play area” defined 326 IAC 23-1-54.5	26 IR 2412 <b>27 IR 464</b>	Licensing; qualifications 326 IAC 23-2-3	26 IR 2415 <b>27 IR 467</b>		
“Project designer” defined 326 IAC 23-1-55.5	26 IR 2412 <b>27 IR 464</b>	Renewal of lead-based paint license 326 IAC 23-2-5	26 IR 2418 <b>27 IR 470</b>		
“Renovation” defined 326 IAC 23-1-58.5	26 IR 2412 <b>27 IR 464</b>				

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<b>LEAD RULES</b>					
Lead Emissions Limitations		Waivers and compliance through diagnostic inspection		Transition procedures	
Compliance		326 IAC 13-1.1-10	26 IR 2063	326 IAC 2-5.1-4	27 IR 2041
326 IAC 15-1-4	26 IR 2083		<b>28 IR 78</b>		<b>27 IR 3947</b>
	<b>28 IR 98</b>	<b>NITROGEN OXIDE RULES</b>		Emission Offset	
Source-specific provisions		Nitrogen Oxides Control in Clark and Floyd Counties		Applicable requirements	
326 IAC 15-1-2	26 IR 2080	Compliance procedures		326 IAC 2-3-3	27 IR 2025
	<b>28 IR 95</b>	326 IAC 10-1-5	26 IR 2059		<b>27 IR 3931</b>
			<b>28 IR 73</b>	Applicability	
<b>MONITORING REQUIREMENTS</b>		Definitions		326 IAC 2-3-2	27 IR 2023
Continuous Monitoring of Emissions		326 IAC 10-1-2	26 IR 2056		<b>27 IR 3929</b>
Minimum performance and operating specifications			<b>28 IR 70</b>	Definitions	
326 IAC 3-5-2	26 IR 2017	Emissions limits		326 IAC 2-3-1	26 IR 2000
	<b>28 IR 32</b>	326 IAC 10-1-4	26 IR 2057		27 IR 2014
Monitor system certification			<b>28 IR 71</b>	Emission Reporting	
326 IAC 3-5-3	26 IR 2019	Emissions monitoring		Applicability	
	<b>28 IR 33</b>	326 IAC 10-1-6	26 IR 2059	326 IAC 2-6-1	24 IR 3700
Quality assurance requirements			<b>28 IR 74</b>		<b>27 IR 2210</b>
326 IAC 3-5-5	26 IR 2020	<b>OPACITY REGULATIONS</b>		Compliance schedule	
	<b>28 IR 34</b>	Opacity Limitations		326 IAC 2-6-3	24 IR 3702
Standard operating procedures		Compliance determination			<b>27 IR 2212</b>
326 IAC 3-5-4	26 IR 2019	326 IAC 5-1-4	26 IR 2026	Definitions	
	<b>28 IR 34</b>		<b>28 IR 41</b>	326 IAC 2-6-2	24 IR 3700
Fuel Sampling and Analysis Procedures		Opacity limitations			<b>27 IR 2210</b>
Coal sampling and analysis methods		326 IAC 5-1-2	26 IR 2025	Requirements	
326 IAC 3-7-2	26 IR 2024		<b>28 IR 40</b>	326 IAC 2-6-4	24 IR 3703
	<b>28 IR 38</b>	Violations			<b>27 IR 2213</b>
Fuel oil sampling; analysis methods		326 IAC 5-1-5	26 IR 2026	Violations	26 IR 2005
326 IAC 3-7-4	26 IR 2025		<b>28 IR 41</b>	326 IAC 2-6-5	24 IR 3705
	<b>28 IR 39</b>	<b>PARTICULATE RULES</b>			<b>27 IR 2215</b>
General Provisions		County Specific Particulate Matter Limitations		Federal NSR Requirements for Sources Subject to P.L.231-2003, SECTION 6, Endangered Industries	
Conversion factors		Lake County PM <sub>10</sub> coke battery emission requirements		326 IAC 2-2.6	27 IR 2013
326 IAC 3-4-3	26 IR 2016	326 IAC 6-1-10.2	26 IR 1994		<b>27 IR 3919</b>
	<b>28 IR 31</b>		<b>27 IR 85</b>	Federally Enforceable State Operating Permit Program	
Definitions		Lake County PM <sub>10</sub> emission requirements		Permit application	
326 IAC 3-4-1	26 IR 2016	326 IAC 6-1-10.1	26 IR 1970	326 IAC 2-8-3	26 IR 2008
	<b>28 IR 30</b>		<b>27 IR 61</b>		<b>28 IR 22</b>
Source Sampling Procedures		Marion County		General Provisions	
Applicability; test procedures		326 IAC 6-1-12	28 IR 242	Fees	
326 IAC 3-6-1	26 IR 2022	Vigo County		326 IAC 2-1.1-7	27 IR 1981
	<b>28 IR 36</b>	326 IAC 6-1-13	27 IR 2318		<b>27 IR 3887</b>
Emission testing			<b>28 IR 115</b>	Minor Source Operating Permit Program	
326 IAC 3-6-3	26 IR 2022	<b>PERMIT REVIEW RULES</b>		Applicability	
	<b>28 IR 37</b>	Actuals Plantwide Applicability Limitations in Attainment Areas		326 IAC 2-6.1-2	27 IR 3149
Specific testing procedures; particulate matter; sulfur dioxide; nitrogen oxides; volatile organic compounds		326 IAC 2-2.4	27 IR 2005		<b>28 IR 795</b>
326 IAC 3-6-5	26 IR 2023		<b>27 IR 3911</b>	Application requirements	
	<b>28 IR 37</b>	Actuals Plantwide Applicability Limitations in Nonattainment Areas		326 IAC 2-6.1-4	27 IR 3149
<b>MOTOR VEHICLE EMISSION AND FUEL STANDARDS</b>		326 IAC 2-3.4	27 IR 2033		<b>28 IR 796</b>
Motor Vehicle Inspection and Maintenance Requirements			<b>27 IR 3939</b>	Compliance schedule	
Definitions		Clean Unit Designations in Attainment Areas		326 IAC 2-6.1-3	27 IR 3149
326 IAC 13-1.1-1	26 IR 2062	326 IAC 2-2.2	27 IR 2000		<b>28 IR 795</b>
	<b>28 IR 76</b>		<b>27 IR 3906</b>	Exemptions	
Facility and testing requirements		Clean Unit Designations in Nonattainment Areas		326 IAC 2-6.1-1	27 IR 3149
326 IAC 13-1.1-14	26 IR 2065	326 IAC 2-3.2	27 IR 2027		<b>28 IR 795</b>
	<b>28 IR 80</b>		<b>27 IR 3933</b>	Operating permit content	
Facility quality assurance program		Construction of New Sources		326 IAC 2-6.1-5	27 IR 3150
326 IAC 13-1.1-16	26 IR 2066	Exemption			<b>28 IR 796</b>
	<b>28 IR 80</b>	326 IAC 2-5.1-1	27 IR 3144	Operating permit renewal	
Testing procedures and standards			<b>28 IR 791</b>	326 IAC 2-6.1-7	27 IR 3154
326 IAC 13-1.1-8	26 IR 2063	Registrations			<b>28 IR 801</b>
	<b>28 IR 77</b>	326 IAC 2-5.1-2	27 IR 3145	Permit revisions	
Test reports; repair forms			<b>28 IR 791</b>	326 IAC 2-6.1-6	27 IR 3151
326 IAC 13-1.1-13	26 IR 2064				<b>28 IR 797</b>
	<b>28 IR 79</b>				

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Part 70 Permit Program	Air quality analysis; requirements	Crushed stone processing plants
Administrative permit amendments	326 IAC 2-2-4	326 IAC 2-9-8
326 IAC 2-7-11	27 IR 1995	26 IR 2010
<b>27 IR 3951</b>	<b>27 IR 3901</b>	<b>28 IR 25</b>
Part 70 permits; source modifications	Air quality impact; requirements	27 IR 3160
326 IAC 2-7-10.5	326 IAC 2-2-5	<b>28 IR 806</b>
<b>27 IR 3947</b>	27 IR 1996	Degreasing operations
Permit issuance, renewal, and revisions	<b>27 IR 3902</b>	326 IAC 2-9-12
326 IAC 2-7-8	Ambient air ceilings	27 IR 3165
<b>28 IR 20</b>	326 IAC 2-2-16	<b>28 IR 811</b>
Permit modification	26 IR 1999	External combustion sources
326 IAC 2-7-12	<b>28 IR 20</b>	326 IAC 2-9-13
<b>27 IR 2046</b>	Applicability	26 IR 2014
<b>27 IR 3952</b>	326 IAC 2-2-2	<b>28 IR 28</b>
Permit review by the U.S. EPA	27 IR 1993	27 IR 3165
326 IAC 2-7-18	<b>27 IR 3899</b>	<b>28 IR 811</b>
<b>28 IR 21</b>	Area designation and redesignation	General provisions
Requirement for a permit	326 IAC 2-2-13	326 IAC 2-9-1
326 IAC 2-7-3	26 IR 1998	27 IR 3155
<b>28 IR 20</b>	<b>28 IR 19</b>	<b>28 IR 801</b>
Permit by Rule	Control technology review; requirements	Grain elevators
LSA Document #04-9(E)	326 IAC 2-2-3	326 IAC 2-9-6
LSA Document #04-81(E)	27 IR 1995	27 IR 3159
LSA Document #04-154(E)	<b>27 IR 3901</b>	<b>28 IR 805</b>
Compliance with other provisions	Definitions	Industrial or commercial surface coating
326 IAC 2-10-5.1	326 IAC 2-2-1	operations not subject to 326 IAC 8-2;
<b>27 IR 2325</b>	27 IR 250	graphic arts operation not subject to 326
<b>27 IR 3955</b>	<b>27 IR 2216</b>	IAC 8-5-5
Conditions	27 IR 1983	326 IAC 2-9-2.5
326 IAC 2-10-3.1	<b>27 IR 3889</b>	27 IR 3156
<b>27 IR 2325</b>	Increment consumption; requirements	<b>28 IR 802</b>
<b>27 IR 3954</b>	326 IAC 2-2-6	Internal combustion sources
Definitions	27 IR 256	326 IAC 2-9-14
326 IAC 2-10-2.1	27 IR 1997	27 IR 3167
<b>27 IR 3954</b>	<b>27 IR 3903</b>	<b>28 IR 814</b>
Demonstration of compliance	Permit rescission	Ready-mix concrete batch plants
326 IAC 2-10-4.1	326 IAC 2-2-12	326 IAC 2-9-9
<b>27 IR 2325</b>	27 IR 257	26 IR 2011
<b>27 IR 3955</b>	<b>27 IR 2223</b>	<b>28 IR 26</b>
Enforcement	Source information	27 IR 3162
326 IAC 2-10-6.1	326 IAC 2-2-10	<b>28 IR 808</b>
<b>27 IR 2325</b>	27 IR 1999	Sand and gravel plants
<b>27 IR 3955</b>	<b>27 IR 3905</b>	326 IAC 2-9-7
Limiting potential to emit	Source obligation	26 IR 2009
326 IAC 2-10-1	326 IAC 2-2-8	<b>28 IR 23</b>
<b>27 IR 3954</b>	<b>27 IR 3904</b>	27 IR 3159
Permit by Rule for Specific Source Categories	Registrations	<b>28 IR 805</b>
Gasoline dispensing operations	Applicability	Surface coating or graphic arts operations
326 IAC 2-11-2	326 IAC 2-5.5-1	326 IAC 2-9-3
<b>27 IR 2327</b>	27 IR 3146	27 IR 3156
<b>27 IR 3956</b>	<b>28 IR 792</b>	<b>28 IR 802</b>
General provisions	Application requirements	Woodworking operations
326 IAC 2-11-1	326 IAC 2-5.5-3	326 IAC 2-9-4
<b>27 IR 2326</b>	27 IR 3146	27 IR 3157
<b>27 IR 3955</b>	<b>28 IR 793</b>	<b>28 IR 803</b>
Grain elevators	Compliance schedule	STATE ENVIRONMENTAL POLICY
326 IAC 2-11-3	326 IAC 2-5.5-2	General Conformity
<b>27 IR 2327</b>	27 IR 3146	Applicability; incorporation by reference of
<b>27 IR 3957</b>	<b>28 IR 793</b>	federal standards
Grain processing or milling	Public notice	326 IAC 16-3-1
326 IAC 2-11-4	326 IAC 2-5.5-5	26 IR 2084
<b>27 IR 2328</b>	27 IR 3147	<b>28 IR 98</b>
<b>27 IR 3957</b>	<b>28 IR 794</b>	STRATOSPHERIC OZONE PROTECTION
Pollution Control Project Exclusion Procedural	Registration content	General Provisions
Requirements in Attainment Areas	326 IAC 2-5.5-4	Incorporation of federal regulations
326 IAC 2-2.3	27 IR 3147	326 IAC 22-1-1
<b>27 IR 2004</b>	<b>28 IR 793</b>	26 IR 2098
<b>27 IR 3910</b>	Source modification	<b>28 IR 113</b>
Pollution Control Project Exclusion Procedural	326 IAC 2-5.5-6	SULFUR DIOXIDE RULES
Requirements in Nonattainment Areas	27 IR 3147	Compliance
326 IAC 2-3.3	<b>28 IR 794</b>	Reporting requirements; methods to deter-
<b>27 IR 2032</b>	Source Specific Operating Agreement Program	mine compliance
<b>27 IR 3938</b>	Abrasive cleaning operations	326 IAC 7-2-1
Prevention of Significant Deterioration (PSD)	326 IAC 2-9-5	26 IR 2028
Requirements	<b>28 IR 805</b>	<b>28 IR 42</b>
Additional analysis; requirements	Automobile refinishing operations	28 IR 632
326 IAC 2-2-7	326 IAC 2-9-11	Emission Limitations and Requirements by
<b>27 IR 1998</b>	27 IR 3164	County
<b>27 IR 3904</b>	<b>28 IR 810</b>	Dearborn County sulfur dioxide emission
	Coal mines and coal preparation plants	limitations
	326 IAC 2-9-10	326 IAC 7-4-13
	26 IR 2013	27 IR 2768
	<b>28 IR 27</b>	
	27 IR 3163	
	<b>28 IR 809</b>	

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Vigo County sulfur dioxide emission limitations 326 IAC 7-4-3	27 IR 2319 <b>28 IR 117</b>	Standards 326 IAC 8-9-4	26 IR 2038 <b>28 IR 52</b>	Trade Practices; Permissible Activity Between Primary Sources of Supply, Wholesalers, and Retailers Samples; consumer product sampling 905 IAC 1-5.2-9.2	26 IR 2687 27 IR 1289 <b>27 IR 2281</b> 27 IR 3337
Warrick County sulfur dioxide emission limitations 326 IAC 7-4-10	26 IR 2029 <b>28 IR 43</b>	Testing and procedures 326 IAC 8-9-5	26 IR 2040 <b>28 IR 54</b>	Samples; wholesale to retail 905 IAC 1-5.2-9.1	26 IR 2687 27 IR 1288 <b>27 IR 2281</b>
Lake County Sulfur Dioxide Emission Limitations 326 IAC 7-4.1	28 IR 633	Wood Furniture Coatings Compliance procedures and monitoring requirements 326 IAC 8-11-6	26 IR 2046 <b>28 IR 60</b>	Withdrawal of Consent to Transfer Permit 905 IAC 1-48	26 IR 2687 27 IR 1288 <b>27 IR 2281</b> 27 IR 3339
Sulfur Dioxide Emission Limitations Applicability 326 IAC 7-1.1-1	28 IR 632	Definitions 326 IAC 8-11-2	26 IR 2044 <b>28 IR 59</b>		
Sulfur dioxide emission limitations 326 IAC 7-1.1-2	28 IR 632	Test procedures 326 IAC 8-11-7	26 IR 2050 <b>28 IR 64</b>		
<b>VOLATILE ORGANIC COMPOUND RULES</b>		<b>ALCOHOL AND TOBACCO COMMISSION</b>			
Automobile Refinishing Test procedures 326 IAC 8-10-7		GENERAL PROVISIONS Auto Race Tracks 905 IAC 1-35.1		CATTLE, GOATS, AND OTHER TUBERCULOSIS OF BRUCELLOSIS CARRYING ANIMALS Chronic Wasting Disease Herd registration 345 IAC 2-7-3	
General Provisions Testing procedures 326 IAC 8-1-4		905 IAC 1-35.1		26 IR 3107 <b>27 IR 92</b>	
26 IR 2030 <b>28 IR 44</b>		Clubs Requirement to publicly post operating dates 905 IAC 1-13-6		Interstate movement 345 IAC 2-7-2.4	
26 IR 2032 <b>28 IR 47</b>		905 IAC 1-13-6		26 IR 3106 <b>27 IR 92</b>	
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26 IR 2035 <b>28 IR 49</b>		26 IR 2689 <b>27 IR 2283</b>		26 IR 3107 <b>27 IR 92</b>	
Leaks from transports and vapor collection systems; records 326 IAC 8-4-9		Minors Loitering 905 IAC 1-15.2-3		DOMESTIC ANIMAL DISEASE CONTROL; GENERAL PROVISIONS Importation of Domestic Animals Animals for immediate slaughter 345 IAC 1-3-10	
26 IR 2035 <b>28 IR 49</b>		26 IR 3745 27 IR 1290 <b>27 IR 2497</b>		27 IR 4121	
Shipbuilding or Ship Repair Operations in Clark, Floyd, Lake, and Porter Counties Compliance requirements 326 IAC 8-12-5		Municipal Riverfront Development Projects 905 IAC 1-47		Cattle and bison 345 IAC 1-3-7	
26 IR 2052 <b>28 IR 67</b>		27 IR 1292 <b>27 IR 4021</b>		27 IR 4120	
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26 IR 2050 <b>28 IR 64</b>		27 IR 3338		26 IR 3102 <b>27 IR 87</b>	
Record keeping, notification, and reporting requirements 326 IAC 8-12-7		Procedure after Local Board Investigation and Recommendation Review of local alcoholic beverage board's approval or denial of an application for an alcoholic beverage permit 905 IAC 1-36-2		Chronic wasting disease; carcasses 345 IAC 1-3-31	
26 IR 2054 <b>28 IR 68</b>		26 IR 3747		26 IR 3104 <b>27 IR 89</b>	
Test methods and procedures 326 IAC 8-12-6		Temporary Beer/Wine Permit Fees Qualification requirements 905 IAC 1-11.1-2		Duties of applicants and shippers; violations; penalties 345 IAC 1-3-32	
26 IR 2053 <b>28 IR 68</b>		26 IR 2688 <b>27 IR 2282</b>		26 IR 3104 <b>27 IR 90</b>	
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26 IR 2054 <b>28 IR 69</b>		26 IR 2688 <b>27 IR 2282</b>		26 IR 3108 <b>27 IR 490</b>	
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26 IR 2036 <b>28 IR 51</b>		27 IR 1291 <b>28 IR 969</b>		26 IR 3108 <b>27 IR 491</b>	
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26 IR 2037 <b>28 IR 51</b>		26 IR 2128 <b>27 IR 189</b>		26 IR 3105 <b>27 IR 90</b>	
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26 IR 2036 <b>28 IR 51</b>		27 IR 2576		26 IR 3105 <b>27 IR 90</b>	
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26 IR 2042 <b>28 IR 56</b>		27 IR 2576		28 IR 1000	



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PROVISION OF LISTING TELEPHONE NUMBERS NOT TO BE SOLICITED	Dental Hygienists; Licensure by Examination	Definitions, Purpose, and Applicability
Removal of Telephone Numbers from the Telephone Privacy List	Clinical examination; two sections; required score	Definitions
Obtaining changed, transferred, and disconnected telephone numbers	828 IAC 1-2-7	460 IAC 3.5-1-1
11 IAC 2-5-5	26 IR 3410	27 IR 269
	<b>27 IR 2280</b>	Unit of Service Reimbursement Rates
<b>CONTROLLED SUBSTANCES ADVISORY COMMITTEE</b>	Examinations required for licensure	Unit of service reimbursement rates
<b>CONTROLLED SUBSTANCE MONITORING</b>	828 IAC 1-2-3	460 IAC 3.5-2-1
Electronic Prescription Monitoring Program	26 IR 3409	27 IR 269
Applicability	<b>27 IR 2279</b>	<b>SUPPORTED LIVING SERVICES AND SUPPORTS</b>
858 IAC 2-1-2	Failure; reexamination	Applicability
27 IR 1286	828 IAC 1-2-12	Rules applicable to all providers
<b>27 IR 2731</b>	26 IR 3410	460 IAC 6-2-2
Application for payment of pharmacy costs	<b>27 IR 2280</b>	26 IR 3935
858 IAC 2-1-4	National board examination; dental and dental hygiene law examination	<b>27 IR 2724</b>
27 IR 1286	828 IAC 1-2-6	Rules applicable to specific providers
<b>27 IR 2732</b>	26 IR 3410	460 IAC 6-2-3
Definitions	<b>27 IR 2280</b>	26 IR 3935
858 IAC 2-1-1	Dentists; Licensure by Examination	<b>27 IR 2724</b>
27 IR 1285	Clinical examination; scope; passing score	Application and Approval Process
<b>27 IR 2731</b>	828 IAC 1-1-7	Action on application
Prescription monitoring program	26 IR 3409	460 IAC 6-6-3
858 IAC 2-1-3	<b>27 IR 2279</b>	26 IR 2670
<b>27 IR 2731</b>	Examinations required for licensure	<b>27 IR 107</b>
	828 IAC 1-1-3	Initial application
	26 IR 3408	460 IAC 6-6-2
	<b>27 IR 2278</b>	26 IR 2670
	Failure; reexamination	<b>27 IR 106</b>
	828 IAC 1-1-12	Applied Behavior Analysis Services
	26 IR 3409	460 IAC 6-35
	<b>27 IR 2279</b>	26 IR 2678
	National board examination; dental and dental hygiene law examinations	<b>27 IR 115</b>
	828 IAC 1-1-6	Case Management
	26 IR 3409	Monitoring of services
	<b>27 IR 2279</b>	460 IAC 6-19-6
		26 IR 2676
<b>CORONERS TRAINING BOARD</b>		<b>27 IR 113</b>
CONTINUING EDUCATION		26 IR 3936
207 IAC 2		<b>27 IR 2725</b>
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<b>COSMETOLOGY EXAMINERS, STATE BOARD OF</b>	<b>AGING</b>	460 IAC 6-36
CONTINUING EDUCATION	Caretaker Support Program	26 IR 3937
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Certificate of course completion	27 IR 3303	Definitions
820 IAC 6-1-3	<b>28 IR 910</b>	"Adult foster care services" defined
26 IR 3137	Personal Services Attendant for Individuals in Need of Self-Directed In-Home Care	460 IAC 6-3-2.1
<b>27 IR 516</b>	Attendant care service provider registration requirement; preclusion	26 IR 2664
Distance Learning Continuing Education	460 IAC 1-8-3	<b>27 IR 101</b>
820 IAC 6-3	28 IR 1007	"Applied behavior analysis services" defined
26 IR 3137	Method of payment to a fiscal agent	460 IAC 6-3-5.1
<b>27 IR 516</b>	460 IAC 1-8-12	26 IR 2665
<b>COSMETOLOGY SCHOOLS</b>	28 IR 1008	<b>27 IR 101</b>
General Requirements	Method of payment to a personal services attendant	"Applied behavior analysis support plan" defined
Graduation defined	460 IAC 1-8-11	460 IAC 6-3-5.2
820 IAC 4-1-11	28 IR 1007	26 IR 2665
26 IR 3137	Record keeping requirements	<b>27 IR 101</b>
<b>27 IR 515</b>	460 IAC 1-8-13	"BDDS behavior management committee" defined
Instructors	28 IR 1008	460 IAC 6-3-6.1
License	Posting of Notices	26 IR 2665
820 IAC 4-3-1	460 IAC 1-11	<b>27 IR 101</b>
28 IR 1059	28 IR 1004	"Children's foster care services" defined
<b>DEAF BOARD, INDIANA SCHOOL FOR THE</b>	Processing of Applications	460 IAC 6-3-10.1
514 IAC	460 IAC 1-3.4	26 IR 2665
27 IR 1634	28 IR 1002	<b>27 IR 101</b>
<b>28 IR 197</b>	<b>ASSISTED LIVING MEDICAID WAIVER SERVICES</b>	"Community transition supports" defined
	460 IAC 8	460 IAC 6-3-15.1
	26 IR 3392	26 IR 2665
	<b>27 IR 2489</b>	<b>27 IR 101</b>
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GENERAL PROVISIONS	Board of Interpreter Standards	460 IAC 6-3-15.2
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828 IAC 0.5-2-3	HOME AND COMMUNITY BASED SERVICES	"Cost comparison budget" or "CCB" defined
28 IR 670	460 IAC 1.1	460 IAC 6-3-15.3
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828 IAC 5	RATES FOR ADULT DAY SERVICES PROVIDED BY COMMUNITY MENTAL RETARDATION AND OTHER DEVELOPMENTAL DISABILITIES CENTERS	"Direct care staff" defined
28 IR 671		460 IAC 6-3-18
<b>LICENSURE OF DENTISTS AND DENTAL HYGIENISTS</b>		26 IR 2666
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828 IAC 1-5-6		
27 IR 2334		
28 IR 669		

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“Facility-based sheltered employment services” defined 460 IAC 6-3-25	26 IR 2666 <b>27 IR 102</b>	Physical Environment Change in location of residence 460 IAC 6-29-9	26 IR 2678 <b>27 IR 115</b>	Required documentation 460 IAC 6-24-2	26 IR 2677 <b>27 IR 114</b>
“Independence assistance services” defined 460 IAC 6-3-29.5	26 IR 2666 <b>27 IR 102</b>	Compliance of environment with building and fire codes 460 IAC 6-29-4	26 IR 2678 <b>27 IR 114</b>	Transportation of an Individual Transportation of an individual 460 IAC 6-13-2	26 IR 2675 <b>27 IR 111</b>
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511 IAC 6.1-5.1-10.1	26 IR 3940	Application for certification; renewal		Definitions	
	<b>27 IR 3501</b>	836 IAC 2-7.2-2	27 IR 1250	836 IAC 3-1-1	27 IR 1256
	27 IR 2550		<b>27 IR 3544</b>		<b>27 IR 3550</b>
	<b>28 IR 957</b>	Application for provisional certification		Fixed-wing air ambulance service provider organization	
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511 IAC 6.1-5.1-4	27 IR 2554		<b>27 IR 3547</b>	836 IAC 3-3-1	27 IR 1262
	<b>28 IR 961</b>	Emergency medical technician-intermediate provider organization operating procedures			<b>27 IR 3556</b>
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511 IAC 6.1-1-2	27 IR 561	General requirements for emergency medical technician-intermediate provider organizations			<b>27 IR 3558</b>
	<b>27 IR 4007</b>	836 IAC 2-7.2-1	27 IR 1247	Communications systems requirements	
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511 IAC 6.2-7	26 IR 1720	Application for certification; renewal		Equipment list	
	<b>27 IR 163</b>	836 IAC 2-2-2	27 IR 1243	836 IAC 3-3-6	27 IR 1266
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511 IAC 6.2-7-8	27 IR 564	Application for provisional certification		Minimum specifications	
	<b>27 IR 4009</b>	836 IAC 2-2-4	27 IR 1245	836 IAC 3-3-3	27 IR 1264
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Additional requirements for category placement		General requirements for paramedic provider organizations		Operating procedures; flight and medical	
511 IAC 6.2-6-6.1	26 IR 1720	836 IAC 2-2-1	27 IR 1240	836 IAC 3-3-4	27 IR 1264
	<b>27 IR 163</b>		<b>27 IR 3535</b>		<b>27 IR 3559</b>
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511 IAC 6.2-6-12	26 IR 1720	836 IAC 2-2-3	27 IR 1244	836 IAC 3-3-5	27 IR 1266
	<b>27 IR 163</b>		<b>27 IR 3538</b>		<b>27 IR 3560</b>
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511 IAC 6.2-6-8	26 IR 1720	Certification as a supervising hospital; renewal		Certificate of registry	
	<b>27 IR 163</b>	836 IAC 2-4.1-2	27 IR 1246	836 IAC 3-5-1	27 IR 1267
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Graduation Rate Determination			<b>27 IR 3540</b>	Ambulance service provider organization operating procedures	
511 IAC 6.2-2.5	27 IR 563	AIR AMBULANCES		836 IAC 1-2-3	27 IR 1222
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836 IAC 2-14-5	27 IR 1255	836 IAC 3-2-2	27 IR 1258	836 IAC 1-2-1	27 IR 1221
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836 IAC 2-14-3	27 IR 1253	836 IAC 3-2-7	27 IR 1261	836 IAC 1-2-5	27 IR 1225
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836 IAC 2-14-2	27 IR 1253	836 IAC 3-2-6	27 IR 1261	Emergency medical services vehicle radio equipment	
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836 IAC 1-1-8	27 IR 1220	Emergency Medical Services Primary Instructor		Continuing education requirements	
	<b>27 IR 3515</b>	Certification		836 IAC 4-9-5	27 IR 1282
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836 IAC 1-1-3	27 IR 1216	Educational staff qualifications and responsibilities		Paramedic certification based upon reciprocity	
	<b>27 IR 3511</b>	836 IAC 4-2-3	27 IR 1271	836 IAC 4-9-6	27 IR 1283
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836 IAC 1-1-7	27 IR 1220	General requirements for training institutions; staff		Registered nurses; qualification to enter training	
	<b>27 IR 3514</b>	836 IAC 4-2-1	27 IR 1270	836 IAC 4-9-2	27 IR 1281
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836 IAC 1-12	27 IR 1235	Institutional responsibilities		Student qualification to enter training	
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836 IAC 1-11-2	27 IR 1231	836 IAC 4-2-4	27 IR 1272	Certification based upon reciprocity	
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836 IAC 1-11-4	27 IR 1234	Application for certification; renewal		Certification standards	
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836 IAC 1-11-3	27 IR 1232	Continuing education requirements		<b>ENGINEERS, STATE BOARD OF REGISTRATION FOR PROFESSIONAL ADMINISTRATION; GENERAL REQUIREMENTS</b>	
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836 IAC 1-3-5	27 IR 1228	836 IAC 4-7.1-2	27 IR 1278	864 IAC 1.1-12-1	27 IR 2569
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836 IAC 1-3-1	27 IR 1225	836 IAC 4-7.1-1	27 IR 1278	864 IAC 1.1-14	26 IR 3739
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836 IAC 1-3-6	27 IR 1229	Application for certification		Engineering intern; education and work experience	
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		"Relatives" defined 470 IAC 3-1.1-15	27 IR 2840		
		Relicensure 470 IAC 3-1.1-29	27 IR 2842		
		Requirements for admission to the home 470 IAC 3-1.1-37	27 IR 2846		



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405 IAC 2-10-11	26 IR 3709	<b>UNIFORM CONSUMER CREDIT CODE</b>	Administrative Rules for Industrialized Building Systems and Mobile Structures
	<b>27 IR 3986</b>	Dollar Amounts	675 IAC 15-1.2
Notice to office to file an action to foreclose the lien		Dollar amounts in consumer credit code	28 IR 1039
405 IAC 2-10-7.1	26 IR 3707	750 IAC 1-1-1	<b>27 IR 2297</b>
	<b>27 IR 3985</b>		<b>FIRE PREVENTION AND BUILDING SAFETY COMMISSION</b>
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LSA Document #03-265(E)	<b>27 IR 544</b>		Development and Application of Rules
405 IAC 2-10-9	26 IR 3708		Occupancy of existing buildings
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Community Mental Health Rehabilitation Services			<b>27 IR 3505</b>
Assertive community treatment intensive case management		<b>ELECTRICAL CODES</b>	
405 IAC 5-21-8	26 IR 3382	Indiana Electrical Code, 2002 Edition	
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405 IAC 5-21-7	26 IR 3382		<b>ENERGY CONSERVATION CODES</b>
	<b>27 IR 2245</b>		Indiana Energy Conservation Code, 1992 Edition
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405 IAC 5-9-1	28 IR 261		26 IR 3737
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405 IAC 5-1-5	28 IR 260	Indiana Fire Code, 1998 Edition	
Medical Supplies and Equipment		675 IAC 22-2.2-26	28 IR 1029
Braces and orthopedic shoes		Indiana Fire Code, 2003 Edition	
405 IAC 5-19-10	28 IR 262	Section 308.3.6; Group A occupancies	
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405 IAC 5-20-4	27 IR 260	675 IAC 22-2.3-36	27 IR 2860
	<b>27 IR 2477</b>	Section 317; haunted houses and similar temporary installations	
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405 IAC 5-20-3.1	27 IR 260	Section 318; fire safety in race track stables	
	<b>27 IR 2477</b>	675 IAC 22-2.3-36.4	27 IR 2861
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405 IAC 5-20-1	27 IR 259	675 IAC 22-2.3-36.6	27 IR 2863
	<b>27 IR 2476</b>	Section 403.4; overcrowding	
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<b>HOSPITAL LICENSURE RULES</b> Incorporation by Reference Incorporation by reference 410 IAC 15-1.7-1	27 IR 1622 <b>27 IR 2720</b>	Official’s signature; effective date 410 IAC 6-12-10	27 IR 3214 <b>28 IR 820</b>	Multi-state licensing information 71 IAC 5.5-1-3	<b>27 IR 1913</b>
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Required Hospital Services Physical plant, maintenance, and environ- mental services 410 IAC 15-1.5-8	27 IR 1620 <b>27 IR 2718</b>	“Person” defined 410 IAC 6-12-4	27 IR 3213 <b>28 IR 818</b>	FLAT RACING; OFFICIALS Stewards Steward’s list 71 IAC 3.5-2-9	<b>27 IR 2754</b>
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				Violations Designated races 71 IAC 7.5-7-5	<b>27 IR 1920</b>
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“Hands-on assistance” defined 760 IAC 2-2-3.8	27 IR 3308 <b>28 IR 565</b>	Nonforfeiture Benefit Requirement 760 IAC 2-16.1	27 IR 3320 <b>28 IR 576</b>	Reporting fatalities and multiple hospitalization incidents 610 IAC 4-6-23	27 IR 564 <b>27 IR 2727</b>
“Skilled nursing care”, intermediate care”, “personal care”, “home care”, and “other services” defined 760 IAC 2-2-8	27 IR 3308 <b>28 IR 565</b>	Outline of Coverage Standard 760 IAC 2-17-1	27 IR 3323 <b>28 IR 580</b>	Public Sector-Public Employee Safety Program IOSHA applicable to public sector employers; volunteer fire companies 610 IAC 4-2-1	26 IR 2464 <b>27 IR 1879</b>
General Provisions Applicability and scope 760 IAC 2-1-1	27 IR 3306 <b>28 IR 563</b>	Penalties Other sanctions 760 IAC 2-19-2	27 IR 3325 <b>28 IR 582</b>	<b>LAND SURVEYORS, STATE BOARD OF REGISTRATION FOR GENERAL PROVISIONS</b>	
Indiana Long Term Care Program Auditing and correcting deficiencies in issuer record keeping 760 IAC 2-20-42	27 IR 3335 <b>28 IR 591</b>	Policy Practices and Provisions Electronic enrollment 760 IAC 2-3-7	27 IR 3310 <b>28 IR 567</b>	Continuing Education Courses from approved and unapproved providers 865 IAC 1-13-5	27 IR 943 <b>27 IR 2732</b>
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Minimum benefit standards and required policy and certificate provisions for long term care facility policies 760 IAC 2-20-36.2	27 IR 3333 <b>28 IR 590</b>	Unintentional lapse 760 IAC 2-3-8	27 IR 3311 <b>28 IR 567</b>	Reporting attendance to the board 865 IAC 1-14-15	26 IR 3740 <b>27 IR 876</b>
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Licensing Licensing 760 IAC 2-10-1	27 IR 3316 <b>28 IR 573</b>	Standard Forms 760 IAC 2-19.5	27 IR 3325 <b>28 IR 582</b>	Original and retracement survey monumentation 865 IAC 1-12-18	26 IR 3956 <b>27 IR 1888</b>
Loss Ratio Relevant factors 760 IAC 2-13-1	27 IR 3317 <b>28 IR 573</b>	Suitability 760 IAC 2-15.5	27 IR 3319 <b>28 IR 575</b>	Original survey preliminary research 865 IAC 1-12-14	26 IR 3956 <b>27 IR 1888</b>
		<b>LABOR, DEPARTMENT OF SAFETY EDUCATION AND TRAINING—OCCUPATIONAL SAFETY</b> Recording and Reporting Occupational Injuries and Illnesses		Preliminary research and investigation on retracement surveys 865 IAC 1-12-9	26 IR 3954 <b>27 IR 1885</b>

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Property surveys affected		Independent on-line games		Pull-tab game 017	
865 IAC 1-12-5	26 IR 3952	65 IAC 5-6-1.5	<b>27 IR 1589</b>	LSA Document #04-186(E)	<b>27 IR 3583</b>
	<b>27 IR 1884</b>	Name		Pull-tab game 018	
Publication of retracement survey results		65 IAC 5-6-1	<b>27 IR 1589</b>	LSA Document #04-220(E)	<b>27 IR 4035</b>
865 IAC 1-12-12	26 IR 3954	Odds of winning		Pull-tab game 019	
	<b>27 IR 1886</b>	65 IAC 5-6-6	<b>27 IR 1593</b>	LSA Document #04-221(E)	<b>27 IR 4036</b>
Retracement survey plats		Procedure for playing		Pull-tab game 020	
865 IAC 1-12-13	26 IR 3955	65 IAC 5-6-4	<b>27 IR 1591</b>	LSA Document #04-250(E)	<b>28 IR 227</b>
	<b>27 IR 1887</b>	Ticket price		Pull-tab game 021	
Surveyor conclusions in retracement survey		65 IAC 5-6-3	<b>27 IR 1590</b>	LSA Document #04-251(E)	<b>28 IR 228</b>
865 IAC 1-12-11	26 IR 3954	Definitions		Pull-tab game 022	
	<b>27 IR 1886</b>	“Draw entry coupon” defined		LSA Document #04-265(E)	<b>28 IR 613</b>
Surveyor responsibility		65 IAC 5-1-2.2	<b>27 IR 1909</b>	Pull-tab game 023	
865 IAC 1-12-3	26 IR 3952	“Draw game” defined		LSA Document #04-266(E)	<b>28 IR 614</b>
	<b>27 IR 1883</b>	65 IAC 5-1-2.4	<b>27 IR 1910</b>	<b>SCRATCH-OFF GAMES</b>	
Registrant’s Seal		“Draw ticket” defined		Definitions	
Use of seal and signature; acceptance of full responsibility		65 IAC 5-1-2.6	<b>27 IR 1910</b>	“Instant game” defined	
865 IAC 1-7-3	26 IR 3950	“On-line entry coupon” defined		65 IAC 4-1-6	<b>27 IR 1909</b>
	<b>27 IR 1882</b>	65 IAC 5-1-6	<b>27 IR 1910</b>	“Instant prize” defined	
<b>LAW ENFORCEMENT TRAINING BOARD</b>		“On-line game” defined		65 IAC 4-1-6.5	<b>27 IR 1909</b>
<b>GENERAL PROVISIONS</b>		“On-line ticket” defined		65 IAC 4-1-7	<b>27 IR 1909</b>
250 IAC 2	26 IR 3679	65 IAC 5-1-8	<b>27 IR 1910</b>	“Scratch-off game” defined	
	<b>27 IR 1552</b>	“Valid draw ticket” defined		65 IAC 4-1-12.2	<b>27 IR 1909</b>
<b>LOCAL GOVERNMENT FINANCE, DEPARTMENT OF</b>		65 IAC 5-1-11.2	<b>27 IR 1910</b>	“Scratch-off prize” defined	
LSA Document #04-78(E)	<b>27 IR 2502</b>	“Valid on-line ticket” defined		65 IAC 4-1-12.3	<b>27 IR 1909</b>
ANNUAL ADJUSTMENTS		65 IAC 5-1-12	<b>27 IR 1910</b>	“Scratch-off ticket” defined	
50 IAC 21	27 IR 4050	Lucky 5		65 IAC 4-1-12.4	<b>27 IR 1909</b>
INDUSTRIAL FACILITY; REAL PROPERTY ASSESSMENT		Definitions		General Provisions	
50 IAC 18	27 IR 909	65 IAC 5-9-2	<b>27 IR 1594</b>	Termination of an instant game	
	<b>27 IR 2710</b>	Determination of winning numbers		65 IAC 4-2-3	<b>27 IR 1596</b>
LAKE COUNTY INDUSTRIAL FACILITY; REAL PROPERTY ASSESSMENT		65 IAC 5-9-9	<b>27 IR 1595</b>	Validation of tickets	
50 IAC 19	26 IR 2397	Independent on-line games		65 IAC 4-2-5	<b>27 IR 1596</b>
	<b>27 IR 450</b>	65 IAC 5-9-1.5	<b>27 IR 1594</b>	Instant Game 658	
REMUNERATION FOR INITIAL TRAINING AND CONTINUING EDUCATION SESSIONS		Name		LSA Document #03-238(E)	<b>27 IR 193</b>
50 IAC 20	27 IR 908	65 IAC 5-9-1	<b>27 IR 1575</b>	Instant Game 659	
	<b>27 IR 3603</b>	Odds of winning		LSA Document #03-239(E)	<b>27 IR 194</b>
		65 IAC 5-9-12	<b>27 IR 1595</b>	Instant Game 661	
		Procedure for playing		LSA Document #03-240(E)	<b>27 IR 196</b>
		65 IAC 5-9-4	<b>27 IR 1594</b>	Instant Game 663	
		Ticket price		LSA Document #03-248(E)	<b>27 IR 203</b>
		65 IAC 5-9-3	<b>27 IR 1594</b>	Instant Game 664	
		<b>PULL-TAB GAMES</b>		65 IAC 4-330	<b>27 IR 199</b>
		Specific Pull-Tab Games		Instant Game 660	
<b>LOTTERY COMMISSION, STATE</b>		Pull-tab game 004		65 IAC 4-331	<b>27 IR 200</b>
<b>DRAW GAMES</b>		LSA Document #04-10(E)	<b>27 IR 1892</b>	Instant game 665	
Daily3		Pull-tab game 005		LSA Document #03-249(E)	<b>27 IR 204</b>
Definitions		LSA Document #04-11(E)	<b>27 IR 1892</b>	Instant Game 668	
65 IAC 5-5-2	<b>27 IR 1587</b>	Pull-tab game 008		LSA Document #03-288(E)	<b>27 IR 885</b>
Determination of winners		LSA Document #04-12(E)	<b>27 IR 1893</b>	Instant Game 669	
65 IAC 5-5-5	<b>27 IR 1588</b>	Pull-tab game 009		LSA Document #03-289(E)	<b>27 IR 886</b>
Independent on-line games		LSA Document #04-53(E)	<b>27 IR 2294</b>	Instant Game 670	
65 IAC 5-5-1.5	<b>27 IR 1587</b>	Pull-tab game 010		LSA Document #03-290(E)	<b>27 IR 888</b>
Name		LSA Document #03-287(E)	<b>27 IR 884</b>	Instant Game 671	
65 IAC 5-5-1	<b>27 IR 1587</b>	Pull-tab game 011		LSA Document #03-295(E)	<b>27 IR 894</b>
Odds of winning		LSA Document #04-165(E)	<b>27 IR 3080</b>	Instant Game 672	
65 IAC 5-5-6	<b>27 IR 1589</b>	Pull-tab game 012		LSA Document #03-241(E)	<b>27 IR 198</b>
Procedure for playing		LSA Document #04-80(E)	<b>27 IR 2506</b>	Instant Game 673	
65 IAC 5-5-4	<b>27 IR 1588</b>	Pull-tab game 013		LSA Document #03-307(E)	<b>27 IR 1187</b>
Ticket price		LSA Document #04-92(E)	<b>27 IR 2510</b>	Instant Game 674	
65 IAC 5-5-3	<b>27 IR 1587</b>	Pull-tab game 014		LSA Document #03-308(E)	<b>27 IR 1187</b>
Daily4		LSA Document #04-91(E)	<b>27 IR 2509</b>	Instant Game 675	
Definitions		Pull-tab game 015		LSA Document #03-309(E)	<b>27 IR 1188</b>
65 IAC 5-6-2	<b>27 IR 1590</b>	LSA Document #04-132(E)	<b>27 IR 2752</b>	Instant Game 676	
Determination of winners		Pull-tab game 016		LSA Document #03-310(E)	<b>27 IR 1190</b>
65 IAC 5-6-5	<b>27 IR 1591</b>	LSA Document #04-185(E)	<b>27 IR 3582</b>	Instant Game 677	
				LSA Document #03-335(E)	<b>27 IR 1598</b>

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Instant Game 678		Scratch-Off Game 706		PHYSICAL THERAPISTS AND PHYSICAL THERAPISTS' ASSISTANTS
LSA Document #03-336(E)	<b>27 IR 1599</b>	65 IAC 4-342	<b>27 IR 3085</b>	Admission to Practice
Instant Game 679		Scratch-Off Game 715		Applications for licensure as a physical therapist or certification as a physical therapist's assistant
LSA Document #03-337(E)	<b>27 IR 1601</b>	LSA Document #04-93(E)	<b>27 IR 2511</b>	844 IAC 6-3-4
Instant Game 680		Scratch-Off Game 720		27 IR 1637
65 IAC 4-336	<b>27 IR 1602</b>	LSA Document #04-202(E)	<b>27 IR 4029</b>	<b>28 IR 204</b>
Instant Game 681		Scratch-Off Game 721		Licensure by endorsement
LSA Document #04-24(E)	<b>27 IR 1894</b>	LSA Document #04-203(E)	<b>27 IR 4030</b>	844 IAC 6-3-1
Instant Game 682		Scratch-Off Game 722		27 IR 1636
LSA Document #04-25(E)	<b>27 IR 1895</b>	LSA Document #04-204(E)	<b>27 IR 4032</b>	<b>28 IR 203</b>
Instant Game 684		Scratch-Off Game 723		Licensure by examination
65 IAC 4-338	<b>27 IR 1896</b>	LSA Document #04-238(E)	<b>28 IR 217</b>	844 IAC 6-3-2
Instant Game 685		Scratch-Off Game 724		27 IR 1636
65 IAC 4-329	<b>27 IR 192</b>	LSA Document #04-239(E)	<b>28 IR 218</b>	<b>28 IR 204</b>
Instant Game 686		Scratch-Off Game 725		Social Security numbers
LSA Document #04-52(E)	<b>27 IR 2293</b>	LSA Document #04-240(E)	<b>28 IR 219</b>	844 IAC 6-3-6
Instant Game 688		Scratch-Off Game 726		27 IR 1638
LSA Document #04-48(E)	<b>27 IR 2287</b>	65 IAC 4-348	<b>28 IR 221</b>	<b>28 IR 205</b>
Instant Game 693		Scratch-Off Game 727		Temporary permits
LSA Document #04-49(E)	<b>27 IR 2288</b>	LSA Document #04-242(E)	<b>28 IR 223</b>	844 IAC 6-3-5
Instant Game 703		Scratch-Off Game 728		27 IR 1637
LSA Document #04-27(E)	<b>27 IR 1899</b>	LSA Document #04-243(E)	<b>28 IR 224</b>	<b>28 IR 205</b>
Instant Game 707		Scratch-Off Game 729		General Provisions
65 IAC 4-333	<b>27 IR 891</b>	65 IAC 4-350	<b>28 IR 229</b>	Accreditation of educational programs
Instant Game 708		Scratch-Off Game 730		844 IAC 6-1-4
LSA Document #03-291(E)	<b>27 IR 889</b>	LSA Document #04-244(E)	<b>28 IR 226</b>	27 IR 1635
Instant Game 710		Scratch-Off Game 731		<b>28 IR 203</b>
65 IAC 4-337	<b>27 IR 1900</b>	LSA Document #04-280(E)	<b>28 IR 972</b>	Definitions
Instant Game 711		Scratch-Off Game 732		844 IAC 6-1-2
LSA Document #04-50(E)	<b>27 IR 2290</b>	LSA Document #04-281(E)	<b>28 IR 973</b>	27 IR 1284
Instant Game 712		Scratch-Off Game 733		<b>28 IR 209</b>
LSA Document #03-339(E)	<b>27 IR 1605</b>	LSA Document #04-282(E)	<b>28 IR 974</b>	Registration of Licensed Physical Therapists and Physical Therapists' Assistants
Instant Game 716		Scratch-Off Game 734		Reinstatement of delinquent license
65 IAC 4-339	<b>27 IR 1903</b>	65 IAC 4-349	<b>28 IR 975</b>	844 IAC 6-4-3
Instant Game 717		Scratch-Off Game 735		27 IR 1638
LSA Document #04-51(E)	<b>27 IR 2292</b>	65 IAC 4-352	<b>28 IR 978</b>	<b>28 IR 206</b>
Instant Game 718		THE COMMISSION		Reinstatement of Suspended License
65 IAC 4-340	<b>27 IR 1905</b>	Ethics		Duties of suspended licensees, certificate holders
Instant Game 719		Contractor ethics restrictions		844 IAC 6-6-3
65 IAC 4-341	<b>27 IR 1907</b>	65 IAC 1-4-5.5	<b>27 IR 4035</b>	27 IR 1638
Payment of Prizes		Definitions	<b>28 IR 217</b>	<b>28 IR 206</b>
Claiming prizes from the commission		65 IAC 1-4-1	<b>27 IR 4034</b>	Protection of patients' interest
65 IAC 4-3-2	<b>27 IR 1597</b>	Gifts and gratuities		844 IAC 6-6-4
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65 IAC 4-3-1	<b>27 IR 1597</b>			<b>28 IR 206</b>
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65 IAC 4-344	<b>27 IR 4026</b>			Standards of professional conduct and competent practice
Scratch-Off Game 690				844 IAC 6-7-2
LSA Document #04-89(E)	<b>27 IR 2506</b>			27 IR 1639
Scratch-Off Game 691				<b>28 IR 206</b>
LSA Document #04-90(E)	<b>27 IR 2508</b>			STANDARDS OF PROFESSIONAL CONDUCT AND COMPETENT PRACTICE OF MEDICINE
Scratch-Off Game 692				Appropriate Use of the Internet in Medical Practice
LSA Document #04-166(E)	<b>27 IR 3080</b>			844 IAC 5-3
Scratch-Off Game 695				26 IR 2118
LSA Document #04-128(E)	<b>27 IR 2747</b>			<b>27 IR 522</b>
Scratch-Off Game 697				General Provisions
LSA Document #04-129(E)	<b>27 IR 2747</b>			Definitions
Scratch-Off Game 698				844 IAC 5-1-1
LSA Document #04-193(E)	<b>27 IR 3584</b>			26 IR 2116
Scratch-Off Game 699				<b>27 IR 521</b>
LSA Document #04-167(E)	<b>27 IR 3082</b>			Disciplinary action
Scratch-Off Game 701				844 IAC 5-1-3
LSA Document #04-168(E)	<b>27 IR 3083</b>			26 IR 2118
Scratch-Off Game 702				<b>27 IR 522</b>
65 IAC 4-346	<b>27 IR 2748</b>			Prescribing to Persons Not Seen by the Physician
Scratch-Off Game 704				844 IAC 5-4
LSA Document #04-131(E)	<b>27 IR 2751</b>			26 IR 2120
				<b>27 IR 524</b>

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**MENTAL HEALTH AND ADDICTION, DIVISION OF**

ASSERTIVE COMMUNITY TREATMENT TEAMS CERTIFICATION  
440 IAC 5.2 26 IR 3386  
**27 IR 492**

**RESIDENTIAL LIVING FACILITIES FOR INDIVIDUALS WITH PSYCHIATRIC DISORDERS OR ADDICTIONS**

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105 IAC 9-2-95	<b>27 IR 31</b>	105 IAC 9-2-160	<b>27 IR 45</b>	105 IAC 9-2-64	<b>27 IR 22</b>
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105 IAC 9-2-168	<b>27 IR 47</b>	105 IAC 9-2-28	<b>27 IR 12</b>	105 IAC 9-2-56	<b>27 IR 20</b>
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105 IAC 9-2-167	<b>27 IR 47</b>	105 IAC 9-2-161	<b>27 IR 46</b>	105 IAC 9-2-123	<b>27 IR 37</b>
Four-quadrant gate systems; section 8D.05		Manual on uniform traffic control devices adopted		Road work next xx km (miles) sign (G20-1)	
105 IAC 9-2-170	<b>27 IR 48</b>	105 IAC 9-2-1	26 IR 421	105 IAC 9-2-124	<b>27 IR 37</b>
Four-quadrant gate systems; section 10D.02			<b>27 IR 7</b>	Route sign assemblies	
105 IAC 9-2-188	<b>27 IR 52</b>	Markings for roundabouts		105 IAC 9-2-42	<b>27 IR 16</b>
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105 IAC 9-2-119	<b>27 IR 36</b>	Motorized traffic signs (W8-6, W11-5, W11-8, and W11-10)		105 IAC 9-2-136	<b>27 IR 40</b>
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105 IAC 9-2-152	<b>27 IR 43</b>	Number and arrangements of signal sections in vehicular traffic control signal faces		105 IAC 9-2-7	<b>27 IR 8</b>
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105 IAC 9-2-165	<b>27 IR 47</b>	Number and size of logos and signs		105 IAC 9-2-58	<b>27 IR 21</b>
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105 IAC 9-2-44	<b>27 IR 17</b>	One way signs (R6-1 and R6-2)		105 IAC 9-2-135	<b>27 IR 39</b>
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105 IAC 9-2-27	<b>27 IR 12</b>	Optional movement lane control sign (R3-6)		105 IAC 9-2-60	<b>27 IR 21</b>
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105 IAC 9-2-34	<b>27 IR 14</b>	Other bicycle warning signs		105 IAC 9-2-69	<b>27 IR 23</b>
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105 IAC 9-2-36	<b>27 IR 15</b>	Other supplemental guide signs		105 IAC 9-2-122	<b>27 IR 37</b>
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105 IAC 9-2-61	<b>27 IR 22</b>	Part 4 table of contents		105 IAC 9-2-20	<b>27 IR 11</b>
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105 IAC 9-2-184	<b>27 IR 51</b>	Playground sign (W15-1); adjacent facility sign		105 IAC 9-2-116	<b>27 IR 36</b>
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105 IAC 9-2-186	<b>27 IR 51</b>	Postinterchange signs		105 IAC 9-2-132	<b>27 IR 39</b>
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105 IAC 9-2-51	<b>27 IR 19</b>	Purpose		105 IAC 9-2-19	<b>27 IR 10</b>
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105 IAC 9-2-128	<b>27 IR 38</b>	Qualifications of adult guards		105 IAC 9-2-11	<b>27 IR 9</b>
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Stop and yield lines		Use of standard devices, systems, and practices; section 10A.02		"Deductible amount" defined	
105 IAC 9-2-78	<b>27 IR 25</b>	105 IAC 9-2-182	<b>27 IR 51</b>	328 IAC 1-1-4	27 IR 2778
Stop line markings		Warrant 1, eight-hour vehicular volume		"Emergency measures" defined	
105 IAC 9-2-139	<b>27 IR 40</b>	105 IAC 9-2-89	<b>27 IR 28</b>	328 IAC 1-1-5.1	27 IR 2778
Stop or yield signs at highway-rail grade crossings		Warrant 2, four-hour vehicular volume			<b>28 IR 124</b>
105 IAC 9-2-156	<b>27 IR 44</b>	105 IAC 9-2-90	<b>27 IR 29</b>	"Off-site" defined	
Stop or yield signs (R1-1 and R1-2)		Warrant 3, peak hour		328 IAC 1-1-7.5	27 IR 2779
105 IAC 9-2-175	<b>27 IR 49</b>	105 IAC 9-2-91	<b>27 IR 30</b>		<b>28 IR 124</b>
Storage space signs (W10-11, W10-11a, and W10-11b)		Warrant 3, peak hour; section 4C.04		"Reasonable" defined	
105 IAC 9-2-162	<b>27 IR 46</b>	105 IAC 9-2-93	<b>27 IR 30</b>	328 IAC 1-1-8.3	27 IR 2779
Street name sign (D3)		Warrant 4, pedestrian volume			<b>28 IR 124</b>
105 IAC 9-2-52	<b>27 IR 19</b>	105 IAC 9-2-94	<b>27 IR 31</b>	"Site characterization" defined	
Student patrols		Warrant 4, pedestrian volume; section 4C.05		328 IAC 1-1-8.5	27 IR 2779
105 IAC 9-2-145	<b>27 IR 42</b>	105 IAC 9-2-96	<b>27 IR 31</b>		<b>28 IR 125</b>
Studies and factors for justifying traffic control signals		Warrant 5, school crossing		"Substantial compliance" defined	
105 IAC 9-2-88	<b>27 IR 27</b>	105 IAC 9-2-97	<b>27 IR 31</b>	328 IAC 1-1-9	27 IR 2779
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105 IAC 9-2-133	<b>27 IR 39</b>	105 IAC 9-2-98	<b>27 IR 32</b>	"Third party liability" defined	
Tapers		Warrant 7, crash experience		328 IAC 1-1-10	27 IR 2779
105 IAC 9-2-120	<b>27 IR 36</b>	105 IAC 9-2-99	<b>27 IR 32</b>		<b>28 IR 125</b>
Temporary traffic control signals; section 4D.20		Warrant 8, roadway network		Financial Assurance	
105 IAC 9-2-113	<b>27 IR 35</b>	105 IAC 9-2-100	<b>27 IR 32</b>	Termination of financial assurance	
Temporary traffic control signals; section 6F.74		Weigh station signing (D8 series)		328 IAC 1-7-2	27 IR 2797
105 IAC 9-2-127	<b>27 IR 37</b>	105 IAC 9-2-54	<b>27 IR 19</b>		<b>28 IR 144</b>
Tracks out of service sign (R8-9)		Weigh station signing (D8 series); figure 2D-3		Fund Coverage and Eligibility	
105 IAC 9-2-157	<b>27 IR 44</b>	105 IAC 9-2-55	<b>27 IR 19</b>	Amount of coverage	
Traffic control signals at or near highway-rail grade crossings		Weigh station signs (R13 series)		328 IAC 1-3-4	27 IR 2783
105 IAC 9-2-172	<b>27 IR 48</b>	105 IAC 9-2-25	<b>27 IR 12</b>		<b>28 IR 129</b>
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105 IAC 9-2-190	<b>27 IR 52</b>	105 IAC 9-2-24	<b>27 IR 12</b>	328 IAC 1-3-1.3	27 IR 2780
Traffic signal signs, auxiliary		Widths and patterns of longitudinal pavement markings			<b>28 IR 126</b>
105 IAC 9-2-114	<b>27 IR 36</b>	105 IAC 9-2-75	<b>27 IR 24</b>	Costs	
Traffic signal signs (R10-1 through R10-13)		Work on the shoulder with minor encroachment		328 IAC 1-3-5	27 IR 2784
105 IAC 9-2-23	<b>27 IR 11</b>	105 IAC 9-2-129	<b>27 IR 38</b>		<b>28 IR 129</b>
Train detection		Yellow centerline and left edge line pavement markings and warrants		Eligibility requirements	
105 IAC 9-2-171	<b>27 IR 48</b>	105 IAC 9-2-76	<b>27 IR 24</b>	328 IAC 1-3-3	27 IR 2781
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105 IAC 9-2-159	<b>27 IR 45</b>	105 IAC 9-2-108	<b>27 IR 34</b>	Fund access	
Truck speed limit sign (R2-2)		<b>UNDERGROUND STORAGE TANK</b>			
105 IAC 9-2-12	<b>27 IR 9</b>	<b>FINANCIAL ASSURANCE BOARD</b>			
Turn or curve warning signs (W1 series)		PAYMENT OF CORRECTIVE ACTION AND THIRD PARTY LIABILITY CLAIMS FROM THE EXCESS LIABILITY TRUST FUND			
105 IAC 9-2-176	<b>27 IR 49</b>	Claims			
Turn restrictions during preemption		Applications for payment of reimbursable costs			
105 IAC 9-2-154	<b>27 IR 44</b>	328 IAC 1-5-1			27 IR 2795
Typical applications					<b>28 IR 142</b>
105 IAC 9-2-130	<b>27 IR 38</b>	Deemed approved; reimbursement of costs			
Unexpected conflicts during green or yellow intervals		328 IAC 1-5-3			27 IR 2796
105 IAC 9-2-107	<b>27 IR 34</b>				<b>28 IR 143</b>
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105 IAC 9-2-144	<b>27 IR 42</b>	328 IAC 1-5-2			27 IR 2796
Uniform provisions; section 8A.03					<b>28 IR 142</b>
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